

FILED

KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 187
SENATE BILL 1320

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-499.08; AMENDING SECTIONS 28-101, 28-305 AND 28-332, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-337; AMENDING SECTIONS 28-367, 28-372, 28-601, 28-641, 28-642, 28-693, 28-701, 28-704, 28-737, 28-797, 28-873, 28-876, 28-924 AND 28-925, ARIZONA REVISED STATUTES; REPEALING SECTION 28-952.01, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 21; REPEALING TITLE 28, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES; AMENDING SECTIONS 28-1100, 28-1110, 28-2003, 28-2351, 28-2354, 28-2403, 28-2405 AND 28-2416, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2416.01; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-2433 AND 28-2434; AMENDING SECTIONS 28-2511, 28-3152, 28-3312, 28-3392, 28-3511, 28-4541, 28-5001, 28-5241, 28-5432, 28-5736, 28-5801, 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES; REPEALING SECTION 28-6994, ARIZONA REVISED STATUTES; AMENDING SECTIONS 28-7011, 28-7045 AND 28-7058, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 20, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-7059; AMENDING SECTIONS 28-8202, 34-603 AND 41-608, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1292; AMENDING SECTION 41-1504 AND 41-1722, ARIZONA REVISED STATUTES; REPEALING TITLE 41, CHAPTER 10, ARTICLE 7, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3019.01; AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 45; RELATING TO TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes, is
3 amended by adding section 9-499.08, to read:

4 9-499.08. Ability to build, finance and operate toll roads

5 NOTWITHSTANDING SECTION 28-6805, SUBSECTION C, A CITY OR TOWN MAY
6 CONSTRUCT, OPERATE AND FINANCE THE CONSTRUCTION OF TOLL ROADS WITHIN THE
7 CORPORATE LIMITS OF THE CITY OR TOWN.

8 Sec. 2. Section 28-101, Arizona Revised Statutes, is amended to read:

9 28-101. Definitions

10 In this title, unless the context otherwise requires:

11 1. "Alcohol" means any substance containing any form of alcohol,
12 including ethanol, methanol, propynol and isopropynol.

13 2. "Alcohol concentration" if expressed as a percentage means either:

14 (a) The number of grams of alcohol per one hundred milliliters of
15 blood.

16 (b) The number of grams of alcohol per two hundred ten liters of
17 breath.

18 3. "All-terrain vehicle" means a motor vehicle that satisfies all of
19 the following:

20 (a) Is designed primarily for recreational nonhighway all-terrain
21 travel.

22 (b) Is fifty or fewer inches in width.

23 (c) Has an unladen weight of eight hundred pounds or less.

24 (d) Travels on three or more low pressure tires.

25 (e) Has a seat to be straddled by the operator and handlebars for
26 steering control.

27 (f) Is operated on a public highway.

28 4. "Authorized emergency vehicle" means any of the following:

29 (a) A fire department vehicle.

30 (b) A police vehicle.

31 (c) An ambulance or emergency vehicle of a municipal department or
32 public service corporation that is designated or authorized by the department
33 or a local authority.

34 (d) Any other ambulance, fire truck or rescue vehicle that is
35 authorized by the department in its sole discretion and that meets liability
36 insurance requirements prescribed by the department.

37 5. "Aviation fuel" means all flammable liquids composed of a mixture
38 of selected hydrocarbons expressly manufactured and blended for the purpose
39 of effectively and efficiently operating an internal combustion engine for
40 use in an aircraft but does not include fuel for jet or turbine powered
41 aircraft.

42 6. "Bicycle" means a device, including a racing wheelchair, that is
43 propelled by human power and on which a person may ride and that has either:

44 (a) Two tandem wheels, either of which is more than sixteen inches in
45 diameter.

- 1 (b) Three wheels in contact with the ground, any of which is more than
2 sixteen inches in diameter.
- 3 7. "Board" means the transportation board.
- 4 8. "Bus" means a motor vehicle designed for carrying sixteen or more
5 passengers, including the driver.
- 6 9. "Business district" means the territory contiguous to and including
7 a highway if there are buildings in use for business or industrial purposes
8 within any six hundred feet along the highway, including hotels, banks or
9 office buildings, railroad stations and public buildings that occupy at least
10 three hundred feet of frontage on one side or three hundred feet collectively
11 on both sides of the highway.
- 12 10. "Combination of vehicles" means a truck or truck tractor and
13 semitrailer and any trailer that it tows but does not include a forklift
14 designed for the purpose of loading or unloading the truck, trailer or
15 semitrailer.
- 16 11. "Controlled substance" means a substance so classified under
17 section 102(6) of the controlled substances act (21 United States Code
18 section 802(6)) and includes all substances listed in schedules I through V
19 of 21 Code of Federal Regulations part 1308.
- 20 12. "Conviction" means:
- 21 (a) An unvacated adjudication of guilt or a determination that a
22 person violated or failed to comply with the law in a court of original
23 jurisdiction or by an authorized administrative tribunal.
- 24 (b) An unvacated forfeiture of bail or collateral deposited to secure
25 the person's appearance in court.
- 26 (c) A plea of guilty or no contest accepted by the court.
- 27 (d) The payment of a fine or court costs.
- 28 13. "County highway" means a public road constructed and maintained by
29 a county.
- 30 14. "Dealer" means a person who is engaged in the business of buying,
31 selling or exchanging motor vehicles, trailers or semitrailers and who has an
32 established place of business.
- 33 15. "Department" means the department of transportation acting directly
34 or through its duly authorized officers and agents.
- 35 16. "Director" means the director of the department of transportation.
- 36 17. "Drive" means to operate or be in actual physical control of a
37 motor vehicle.
- 38 18. "Driver" means a person who drives or is in actual physical control
39 of a vehicle.
- 40 19. "Driver license" means a license that is issued by a state to an
41 individual and that authorizes the individual to drive a motor vehicle.
- 42 20. "Electric personal assistive mobility device" means a
43 self-balancing two nontandem wheeled device with an electric propulsion
44 system that limits the maximum speed of the device to fifteen miles per hour
45 or less and that is designed to transport only one person.

- 1 21. "FARM" MEANS ANY LANDS PRIMARILY USED FOR AGRICULTURE PRODUCTION.
2 ~~21.~~ 22. "Farm tractor" means a motor vehicle designed and used
3 primarily as a farm implement for drawing implements of husbandry.
4 ~~22.~~ 23. "Foreign vehicle" means a motor vehicle, trailer or
5 semitrailer that is brought into this state other than in the ordinary course
6 of business by or through a manufacturer or dealer and that has not been
7 registered in this state.
8 ~~23.~~ 24. "Golf cart" means a motor vehicle that has not less than three
9 wheels in contact with the ground, that has an unladen weight of less than
10 one thousand eight hundred pounds, that is designed to be and is operated at
11 not more than twenty-five miles per hour and that is designed to carry not
12 more than four persons including the driver.
13 ~~24.~~ 25. "Hazardous material" means a material, and its mixtures or
14 solutions, that the United States department of transportation determines
15 under 49 Code of Federal Regulations is, or any quantity of a material listed
16 as a select agent or toxin under 42 Code of Federal Regulations part 73 that
17 is, capable of posing an unreasonable risk to health, safety and property if
18 transported in commerce and that is required to be placarded or marked as
19 required by the department's safety rules prescribed pursuant to chapter 14
20 of this title.
21 ~~25.~~ 26. "Implement of husbandry" means a vehicle designed primarily
22 for agricultural purposes and used exclusively in the conduct of agricultural
23 operations, including an implement or vehicle whether self-propelled or
24 otherwise that meets ~~all~~ BOTH of the following conditions:
25 ~~(a) Is used exclusively for carrying products of farming from one part~~
26 ~~of a farm to another part of the same farm or from one farm to another farm.~~
27 ~~(b)~~ (a) Is used solely for agricultural purposes including the
28 preparation or harvesting of cotton, alfalfa, grains and other farm crops.
29 ~~(c)~~ (b) Is only incidentally operated or moved on a highway whether
30 as a trailer or self-propelled unit. FOR THE PURPOSES OF THIS PARAGRAPH,
31 "INCIDENTALLY OPERATED OR MOVED ON A HIGHWAY" MEANS TRAVEL BETWEEN A FARM AND
32 ANOTHER PART OF THE SAME FARM, FROM ONE FARM TO ANOTHER FARM OR A FARM AND A
33 PLACE OF REPAIR, SUPPLY OR STORAGE.
34 ~~26.~~ 27. "Limousine" means a motor vehicle providing prearranged ground
35 transportation service for an individual passenger, or a group of passengers,
36 that is arranged in advance or is operated on a regular route or between
37 specified points and includes ground transportation under a contract or
38 agreement for services that includes a fixed rate or time and is provided in
39 a motor vehicle with a seating capacity not exceeding fifteen passengers
40 including the driver.
41 ~~27.~~ 28. "Livery vehicle" means a motor vehicle that:
42 (a) Has a seating capacity not exceeding fifteen passengers including
43 the driver.
44 (b) Provides passenger services for a fare determined by a flat rate
45 or flat hourly rate between geographic zones or within a geographic area.

- 1 (c) Is available for hire on an exclusive or shared ride basis.
2 (d) May do any of the following:
3 (i) Operate on a regular route or between specified places.
4 (ii) Offer prearranged ground transportation service as defined in
5 section 28-141.
6 (iii) Offer on demand ground transportation service pursuant to a
7 contract with a public airport, licensed business entity or organization.
8 ~~28-~~ 29. "Local authority" means any county, municipal or other local
9 board or body exercising jurisdiction over highways under the constitution
10 and laws of this state.
11 ~~29-~~ 30. "Manufacturer" means a person engaged in the business of
12 manufacturing motor vehicles, trailers or semitrailers.
13 ~~30-~~ 31. "Moped" means a bicycle that is equipped with a helper motor
14 if the vehicle has a maximum piston displacement of fifty cubic centimeters
15 or less, a brake horsepower of one and one-half or less and a maximum speed
16 of twenty-five miles per hour or less on a flat surface with less than a one
17 per cent grade.
18 ~~31-~~ 32. "Motor driven cycle" means a motorcycle, including every motor
19 scooter, with a motor that produces not more than five horsepower.
20 ~~32-~~ 33. "Motor vehicle":
21 (a) Means either:
22 (i) A self-propelled vehicle.
23 (ii) For the purposes of the laws relating to the imposition of a tax
24 on motor vehicle fuel, a vehicle that is operated on the highways of this
25 state and that is propelled by the use of motor vehicle fuel.
26 (b) Does not include a motorized wheelchair, an electric personal
27 assistive mobility device or a motorized skateboard. For the purposes of this
28 subdivision:
29 (i) "Motorized skateboard" means a self-propelled device that has a
30 motor, a deck on which a person may ride and at least two tandem wheels in
31 contact with the ground.
32 (ii) "Motorized wheelchair" means a self-propelled wheelchair that is
33 used by a person for mobility.
34 ~~33-~~ 34. "Motor vehicle fuel" includes all products that are commonly
35 or commercially known or sold as gasoline, including casinghead gasoline,
36 natural gasoline and all flammable liquids, and that are composed of a
37 mixture of selected hydrocarbons expressly manufactured and blended for the
38 purpose of effectively and efficiently operating internal combustion engines.
39 Motor vehicle fuel does not include inflammable liquids that are specifically
40 manufactured for racing motor vehicles and that are distributed for and used
41 by racing motor vehicles at a racetrack, use fuel as defined in section
42 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the
43 mixture created at the interface of two different substances being
44 transported through a pipeline, commonly known as transmix.

1 ~~34.~~ 35. "Motorcycle" means a motor vehicle that has a seat or saddle
2 for the use of the rider and that is designed to travel on not more than
3 three wheels in contact with the ground but excluding a tractor and a moped.
4 ~~35.~~ 36. "Neighborhood electric vehicle" means a self-propelled
5 electrically powered motor vehicle to which all of the following apply:
6 (a) The vehicle is emission free.
7 (b) The vehicle has at least four wheels in contact with the ground.
8 (c) The vehicle complies with the definition and standards for low
9 speed vehicles set forth in federal motor vehicle safety standard 500 and 49
10 Code of Federal Regulations sections 571.3(b) and 571.500, respectively.
11 ~~36.~~ 37. "Nonresident" means a person who is not a resident of this
12 state as defined in section 28-2001.
13 ~~37.~~ 38. "Off-road recreational motor vehicle" means a motor vehicle
14 that is designed primarily for recreational nonhighway all-terrain travel and
15 that is not operated on a public highway. Off-road recreational motor
16 vehicle does not mean a motor vehicle used for construction, building trade,
17 mining or agricultural purposes.
18 ~~38.~~ 39. "Operator" means a person who drives a motor vehicle on a
19 highway, who is in actual physical control of a motor vehicle on a highway or
20 who is exercising control over or steering a vehicle being towed by a motor
21 vehicle.
22 ~~39.~~ 40. "Owner" means:
23 (a) A person who holds the legal title of a vehicle.
24 (b) If a vehicle is the subject of an agreement for the conditional
25 sale or lease with the right of purchase on performance of the conditions
26 stated in the agreement and with an immediate right of possession vested in
27 the conditional vendee or lessee, the conditional vendee or lessee.
28 (c) If a mortgagor of a vehicle is entitled to possession of the
29 vehicle, the mortgagor.
30 ~~40.~~ 41. "Pedestrian" means any person afoot. A person who uses an
31 electric personal assistive mobility device or a manual or motorized
32 wheelchair is considered a pedestrian unless the manual wheelchair qualifies
33 as a bicycle. For the purposes of this paragraph, "motorized wheelchair"
34 means a self-propelled wheelchair that is used by a person for mobility.
35 ~~41.~~ 42. "Power sweeper" means an implement, with or without motive
36 power, that is only incidentally operated or moved on a street or highway and
37 that is designed for the removal of debris, dirt, gravel, litter or sand
38 whether by broom, vacuum or regenerative air system from asphaltic concrete
39 or cement concrete surfaces, including parking lots, highways, streets and
40 warehouses, and a vehicle on which the implement is permanently mounted.
41 ~~42.~~ 43. "Public transit" means the transportation of passengers on
42 scheduled routes by means of a conveyance on an individual passenger
43 fare-paying basis excluding transportation by a sight-seeing bus, school bus
44 or taxi or a vehicle not operated on a scheduled route basis.

1 ~~43.~~ 44. "Reconstructed vehicle" means a vehicle that has been
2 assembled or constructed largely by means of essential parts, new or used,
3 derived from vehicles or makes of vehicles of various names, models and types
4 or that, if originally otherwise constructed, has been materially altered by
5 the removal of essential parts or by the addition or substitution of
6 essential parts, new or used, derived from other vehicles or makes of
7 vehicles. For the purposes of this paragraph, "essential parts" means
8 integral and body parts, the removal, alteration or substitution of which
9 will tend to conceal the identity or substantially alter the appearance of
10 the vehicle.

11 ~~44.~~ 45. "Residence district" means the territory contiguous to and
12 including a highway not comprising a business district if the property on the
13 highway for a distance of three hundred feet or more is in the main improved
14 with residences or residences and buildings in use for business.

15 ~~45.~~ 46. "Right-of-way" when used within the context of the regulation
16 of the movement of traffic on a highway means the privilege of the immediate
17 use of the highway. Right-of-way when used within the context of the real
18 property on which transportation facilities and appurtenances to the
19 facilities are constructed or maintained means the lands or interest in lands
20 within the right-of-way boundaries.

21 ~~46.~~ 47. "School bus" means a motor vehicle that is designed for
22 carrying more than ten passengers and that is either:

23 (a) Owned by any public or governmental agency or other institution
24 and operated for the transportation of children to or from home or school on
25 a regularly scheduled basis.

26 (b) Privately owned and operated for compensation for the
27 transportation of children to or from home or school on a regularly scheduled
28 basis.

29 ~~47.~~ 48. "Semitrailer" means a vehicle that is with or without motive
30 power, other than a pole trailer, that is designed for carrying persons or
31 property and for being drawn by a motor vehicle and that is constructed so
32 that some part of its weight and that of its load rests on or is carried by
33 another vehicle. For the purposes of this paragraph, "pole trailer" has the
34 same meaning prescribed in section 28-601.

35 ~~48.~~ 49. "State" means a state of the United States and the District of
36 Columbia.

37 ~~49.~~ 50. "State highway" means a state route or portion of a state
38 route that is accepted and designated by the board as a state highway and
39 that is maintained by the state.

40 ~~50.~~ 51. "State route" means a right-of-way whether actually used as a
41 highway or not that is designated by the board as a location for the
42 construction of a state highway.

43 ~~51.~~ 52. "Street" or "highway" means the entire width between the
44 boundary lines of every way if a part of the way is open to the use of the
45 public for purposes of vehicular travel.

1 52- 53. "Taxi" means a motor vehicle that has a seating capacity not
2 exceeding fifteen passengers, including the driver, that is registered as a
3 taxi in this state or any other state, that provides passenger services and
4 that:

- 5 (a) Does not operate on a regular route or between specified places.
6 (b) Offers local transportation for a fare determined primarily on the
7 basis of the distance traveled.

8 53- 54. "Trailer" means a vehicle that is with or without motive
9 power, other than a pole trailer, that is designed for carrying persons or
10 property and for being drawn by a motor vehicle and that is constructed so
11 that no part of its weight rests on the towing vehicle. A semitrailer
12 equipped with an auxiliary front axle commonly known as a dolly is deemed to
13 be a trailer. For the purposes of this paragraph, "pole trailer" has the same
14 meaning prescribed in section 28-601.

15 54- 55. "Truck" means a motor vehicle designed or used primarily for
16 the carrying of property other than the effects of the driver or passengers
17 and includes a motor vehicle to which has been added a box, a platform or
18 other equipment for such carrying.

19 55- 56. "Truck tractor" means a motor vehicle that is designed and
20 used primarily for drawing other vehicles and that is not constructed to
21 carry a load other than a part of the weight of the vehicle and load drawn.

22 56- 57. "Vehicle" means a device in, on or by which a person or
23 property is or may be transported or drawn on a public highway, excluding
24 devices moved by human power or used exclusively on stationary rails or
25 tracks.

26 57- 58. "Vehicle transporter" means either:

27 (a) A truck tractor capable of carrying a load and drawing a
28 semitrailer.

29 (b) A truck tractor with a stinger-steered fifth wheel capable of
30 carrying a load and drawing a semitrailer or a truck tractor with a dolly
31 mounted fifth wheel that is securely fastened to the truck tractor at two or
32 more points and that is capable of carrying a load and drawing a semitrailer.

33 Sec. 3. Section 28-305, Arizona Revised Statutes, is amended to read:

34 28-305. Powers and duties of the board; rules

35 The board ~~shall~~ MAY prescribe rules for the effective administration of
36 its powers, duties and responsibilities, including rules relating to:

- 37 1. Priority programs.
38 2. Establishing, altering or vacating highways.
39 3. Construction contracts.
40 4. Revenue bonds.
41 5. Local government airport grants.
42 6. Designating or establishing scenic or historic highways.
43 7. Prohibiting bid rigging.

1 Sec. 4. Section 28-332, Arizona Revised Statutes, is amended to read:
2 28-332. Department of transportation jurisdiction; duties;
3 divisions

4 A. The exclusive control and jurisdiction over state highways, state
5 routes, state owned airports and all state owned transportation systems or
6 modes are vested in the department of transportation.

7 B. The department shall:

8 1. Register motor vehicles and aircraft, license drivers, collect
9 revenues, enforce motor vehicle and aviation statutes and perform related
10 functions.

11 2. Do ~~multi-modal~~ MULTIMODAL state transportation planning, cooperate
12 and coordinate transportation planning with local governments and establish
13 an annually updated priority program of capital improvements for all
14 transportation modes.

15 3. Design and construct transportation facilities in accordance with a
16 priority plan and maintain and operate state highways, state owned airports
17 and state public transportation systems.

18 4. Investigate new transportation systems and cooperate with and
19 advise local governments concerning the development and operation of public
20 transit systems.

21 5. Have administrative jurisdiction of transportation safety programs
22 and implement them in accordance with applicable law.

23 C. In order to carry out the responsibilities enumerated in subsection
24 B, the department is organized into the following divisions:

25 1. Motor vehicle.

26 2. Transportation planning.

27 3. Highways.

28 4. Aeronautics.

29 5. Public transit.

30 6. Administrative services.

31 D. THE DEPARTMENT SHALL PROVIDE GENERAL ADMINISTRATIVE SUPPORT,
32 EQUIPMENT AND OFFICE AND MEETING SPACE TO THE ARIZONA INTERNATIONAL
33 DEVELOPMENT AUTHORITY ESTABLISHED BY TITLE 41, CHAPTER 45.

34 Sec. 5. Title 28, chapter 2, article 2, Arizona Revised Statutes, is
35 amended by adding section 28-337, to read:

36 28-337. High occupancy vehicle lane; lane degradation; priority
37 use

38 A. IN ACCORDANCE WITH 23 UNITED STATES CODE SECTION 166, THE
39 DEPARTMENT SHALL DEVELOP PROCEDURES TO MONITOR THE IMPACT THAT SINGLE
40 OCCUPANCY VEHICLES AUTHORIZED UNDER SECTIONS 28-2416 AND 28-2416.01 HAVE ON
41 THE OPERATION OF THE HIGH OCCUPANCY VEHICLE LANES.

42 B. IF A HIGH OCCUPANCY VEHICLE LANE BECOMES DEGRADED DUE TO THE
43 AUTHORIZATION OF SINGLE OCCUPANCY VEHICLES AUTHORIZED UNDER SECTIONS 28-2416
44 AND 28-2416.01, USE OF THE LANE IS RESTRICTED TO THE FOLLOWING VEHICLES IN
45 THE FOLLOWING PRIORITY:

1 1. PASSENGER VEHICLES WITH TWO OR MORE OCCUPANTS, INCLUDING THE
2 DRIVER.

3 2. PUBLIC TRANSIT BUSES.

4 3. BUSES WITH TWO OR MORE OCCUPANTS, INCLUDING THE DRIVER.

5 4. MOTORCYCLES.

6 5. ALTERNATIVE FUEL VEHICLES.

7 6. LOW EMISSION AND ENERGY EFFICIENT VEHICLES.

8 C. THE DEPARTMENT SHALL LIMIT USE TO VEHICLES IN THE PRIORITY ORDER
9 PRESCRIBED IN SUBSECTION B OF THIS SECTION AND SHALL MAINTAIN THOSE
10 RESTRICTIONS WHILE THE LANE OR PORTION OF THE LANE REMAINS DEGRADED.

11 D. FOR THE PURPOSES OF THIS SECTION, A HIGH OCCUPANCY VEHICLE LANE IS
12 DEGRADED IF VEHICLES OPERATING ON THE FACILITY, OR PORTIONS OF THE FACILITY,
13 ARE FAILING TO MAINTAIN A SPEED OF FORTY-FIVE MILES PER HOUR OR GREATER
14 NINETY PER CENT OF THE TIME OVER A CONSECUTIVE ONE HUNDRED EIGHTY DAY PERIOD
15 DURING MORNING AND EVENING WEEKDAY PEAK HOUR PERIODS.

16 Sec. 6. Section 28-367, Arizona Revised Statutes, is amended to read:

17 28-367. Public transit

18 The director shall:

19 1. Receive, allocate, control and disperse all monies designated for
20 state public transit programs by federal or state law ~~or rule~~.

21 2. Pass on projects for construction in cooperation with the United
22 States.

23 3. Negotiate and enter into contracts on behalf of this state with the
24 United States for the cooperative construction and maintenance of federal aid
25 public transit systems in this state.

26 4. Enter into agreements on behalf of this state with counties,
27 cities, towns, public transit districts or any other political subdivisions
28 for the improvement or maintenance of public transit systems or for the joint
29 improvement or maintenance of public transit systems.

30 5. Enter into contracts for the construction of state public transit
31 systems.

32 ~~6. Adopt rules for the application for and the expenditure of all~~
33 ~~public transit monies.~~

34 Sec. 7. Section 28-372, Arizona Revised Statutes, is amended to read:

35 28-372. Returned checks; dishonored electronic payments; fees

36 A. The director may assess:

37 1. The fee specified in section 44-6852 for a check, draft or order
38 that has been dishonored because of insufficient monies, payments stopped or
39 closed accounts.

40 2. Collection costs.

41 3. A FEE TO BE DETERMINED BY THE DIRECTOR FOR EACH ELECTRONIC PAYMENT
42 THAT HAS BEEN DISHONORED BECAUSE OF INSUFFICIENT MONIES, PAYMENTS STOPPED OR
43 CLOSED ACCOUNTS.

44 B. The director shall deposit, pursuant to sections 35-146 and 35-147,
45 service fees for dishonored checks, drafts, ~~or~~ orders OR ELECTRONIC PAYMENTS

1 that were submitted for titling and registering vehicles in the state highway
2 fund established by section 28-6991. The director shall deposit, pursuant to
3 sections 35-146 and 35-147, all other service fees collected under subsection
4 A of this section in the highway user revenue fund.

5 Sec. 8. Section 28-601, Arizona Revised Statutes, is amended to read:

6 28-601. Definitions

7 In this chapter, unless the context otherwise requires:

8 1. "Commercial motor vehicle" means a motor vehicle or combination of
9 vehicles that is designed, used or maintained to transport passengers or
10 property in the furtherance of a commercial enterprise, that is a commercial
11 motor vehicle as defined in section 28-5201 and that is not exempt from gross
12 weight fees as prescribed in section 28-5432, subsection B.

13 2. "Controlled access highway" means a highway, street or roadway to
14 or from which owners or occupants of abutting lands and other persons have no
15 legal right of access except at such points only and in the manner determined
16 by the public authority that has jurisdiction over the highway, street or
17 roadway.

18 3. "Crosswalk" means:

19 (a) That part of a roadway at an intersection included within the
20 prolongations or connections of the lateral lines of the sidewalks on
21 opposite sides of the highway measured from the curbs or, in absence of
22 curbs, from the edges of the traversable roadway.

23 (b) Any portion of a roadway at an intersection or elsewhere that is
24 distinctly indicated for pedestrian crossing by lines or other markings on
25 the surface.

26 4. "Escort vehicle" means a vehicle that is required pursuant to rules
27 adopted by the department to escort motor vehicles or combinations of
28 vehicles that require issuance of a permit pursuant to article 18 or 19 of
29 this chapter for operation on the highways of this state.

30 5. "Explosives" means any chemical compound, mixture or device that is
31 commonly used or intended for the purpose of producing an explosion and that
32 is defined in 49 Code of Federal Regulations part 173.

33 6. "Flammable liquid" means any liquid that has a flash point of less
34 than one hundred degrees Fahrenheit and that is defined in 49 Code of Federal
35 Regulations section 173.120.

36 7. "Gross weight" means the weight of a vehicle without a load plus
37 the weight of any load on the vehicle.

38 8. "Intersection" means the area embraced within the prolongation or
39 connection of the lateral curb lines, or if none, the lateral boundary lines
40 of the roadways of two highways that join one another at, or approximately
41 at, right angles, or the area within which vehicles traveling on different
42 highways joining at any other angle may come in conflict. If a highway
43 includes two roadways thirty or more feet apart, each crossing of each
44 roadway of the divided highway by an intersecting highway is a separate
45 intersection. If the intersecting highway also includes two roadways thirty

1 or more feet apart, each crossing of two roadways of the highways is a
2 separate intersection.

3 9. "License" means any license, temporary instruction permit or
4 temporary license issued under the laws of this state or any other state that
5 pertain to the licensing of persons to operate motor vehicles.

6 10. "LOW EMISSION AND ENERGY EFFICIENT VEHICLE" MEANS A VEHICLE THAT
7 HAS BEEN CERTIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
8 ADMINISTRATOR IN ACCORDANCE WITH 23 UNITED STATES CODE SECTION 166 OR THAT IS
9 PART OF A FEDERALLY APPROVED PILOT PROGRAM.

10 ~~10-~~ 11. "Motorized wheelchair" means any self-propelled wheelchair
11 that is used by a person for mobility.

12 ~~11-~~ 12. "Official traffic control device" means any sign, signal,
13 marking or device that is not inconsistent with this chapter and that is
14 placed or erected by authority of a public body or official having
15 jurisdiction for the purpose of regulating, warning or guiding traffic.

16 ~~12-~~ 13. "Park", if prohibited, means the standing of a vehicle,
17 whether occupied or not, otherwise than temporarily for the purpose of and
18 while actually engaged in loading or unloading.

19 ~~13-~~ 14. "Photo enforcement system" means a device substantially
20 consisting of a radar unit or sensor linked to a camera or other recording
21 device that produces one or more photographs, microphotographs, videotapes or
22 digital or other recorded images of a vehicle's license plate for the purpose
23 of identifying violators of articles 3 and 6 of this chapter.

24 ~~14-~~ 15. "Pneumatic tire" means a tire in which compressed air is
25 designed to support the load.

26 ~~15-~~ 16. "Pole trailer" means a vehicle that is all of the following:

27 (a) Without motive power.

28 (b) Designed to be drawn by another vehicle and attached to the towing
29 vehicle by means of a reach or pole or by being boomed or otherwise secured
30 to the towing vehicle.

31 (c) Used ordinarily for transporting long or irregularly shaped loads
32 such as poles, pipes or structural members capable generally of sustaining
33 themselves as beams between the supporting connections.

34 ~~16-~~ 17. "Police officer" means an officer authorized to direct or
35 regulate traffic or make arrests for violations of traffic rules or other
36 offenses.

37 ~~17-~~ 18. "Private road or driveway" means a way or place that is in
38 private ownership and that is used for vehicular travel by the owner and
39 those persons who have express or implied permission from the owner but not
40 by other persons.

41 ~~18-~~ 19. "Railroad" means a carrier of persons or property on cars
42 operated on stationary rails.

43 ~~19-~~ 20. "Railroad sign or signal" means a sign, signal or device
44 erected by authority of a public body or official or by a railroad and

- 1 intended to give notice of the presence of railroad tracks or the approach of
2 a railroad train.
- 3 ~~20.~~ 21. "Railroad train" means a steam engine or any electric or other
4 motor that is with or without cars coupled to the steam engine or electric or
5 other motor and that is operated on rails.
- 6 ~~21.~~ 22. "Roadway" means that portion of a highway that is improved,
7 designed or ordinarily used for vehicular travel, exclusive of the berm or
8 shoulder. If a highway includes two or more separate roadways, roadway
9 refers to any such roadway separately but not to all such roadways
10 collectively.
- 11 ~~22.~~ 23. "Safety zone" means the area or space that is both:
12 (a) Officially set apart within a roadway for the exclusive use of
13 pedestrians.
14 (b) Protected or either marked or indicated by adequate signs as to be
15 plainly visible at all times while set apart as a safety zone.
- 16 ~~23.~~ 24. "Sidewalk" means that portion of a street that is between the
17 curb lines or the lateral lines of a roadway and the adjacent property lines
18 and that is intended for the use of pedestrians.
- 19 ~~24. "Solid tire" means a tire that both:~~
20 ~~(a) Is made of rubber or other resilient material.~~
21 ~~(b) Does not depend on compressed air for the support of the load.~~
- 22 25. "Stop", if required, means complete cessation from movement.
- 23 26. "Stop, stopping or standing", if prohibited, means any stopping or
24 standing of an occupied or unoccupied vehicle, except when necessary to avoid
25 conflict with other traffic or in compliance with directions of a police
26 officer or traffic control sign or signal.
- 27 27. "Through highway" means a highway or portion of a highway at the
28 entrances to which vehicular traffic from intersecting highways is required
29 by law to stop before entering or crossing and when stop signs are erected as
30 provided in this chapter.
- 31 28. "Traffic" means pedestrians, ridden or herded animals, vehicles and
32 other conveyances either singly or together while using a highway for
33 purposes of travel.
- 34 29. "Traffic control signal" means a device, whether manually,
35 electrically or mechanically operated, by which traffic is alternately
36 directed to stop and to proceed.
- 37 30. "Truck" means a motor vehicle that is designed, used or maintained
38 primarily for the transportation of property.

1 Sec. 9. Section 28-641, Arizona Revised Statutes, is amended to read:
2 28-641. Traffic control device manual and specifications

3 The director shall adopt a manual and specifications for a uniform
4 system of traffic control devices for use on highways in this state. ~~Except~~
5 ~~as provided in section 28-2416,~~ The uniform system shall correlate with and
6 as far as possible conform to the system set forth in the most recent edition
7 of the manual on uniform traffic control devices for streets and highways
8 prepared by the national joint committee on uniform traffic control devices.

9 Sec. 10. Section 28-642, Arizona Revised Statutes, is amended to read:
10 28-642. Traffic control signs on state highways; rules

11 A. The director shall place and maintain traffic control devices that
12 conform to the manual and specifications prescribed in section 28-641 ~~and to~~
13 ~~the requirements prescribed in section 28-2416~~ on all state highways as the
14 director deems necessary to indicate and to carry out this chapter or to
15 regulate, warn or guide traffic.

16 B. A local authority shall not place or maintain a traffic control
17 device on a highway under the jurisdiction of the director except by the
18 director's permission.

19 C. In cooperation with local authorities, the director shall
20 synchronize traffic control signals on a state highway that has a traffic
21 flow exceeding fifteen thousand motor vehicles per day in a vehicle emissions
22 control area as defined in section 49-541.

23 D. The director shall adopt rules pursuant to title 41, chapter 6 to
24 establish criteria for the installation and maintenance of directional signs
25 for universities prescribed in section 15-1601, for community colleges as
26 defined in section 15-1401 and for the campus of a regionally accredited
27 college or university.

28 Sec. 11. Section 28-693, Arizona Revised Statutes, is amended to read:
29 28-693. Reckless driving; classification; license; surrender

30 A. A person who drives a vehicle in reckless disregard for the safety
31 of persons or property is guilty of reckless driving.

32 B. A person convicted of reckless driving is guilty of a class 2
33 misdemeanor.

34 C. In addition, the judge may require the surrender to a police
35 officer of any driver license of the convicted person, shall report the
36 conviction to the department and may order the driving privileges of the
37 person to be suspended for a period of not more than ninety days. On receipt
38 of the abstract of conviction and order, the department shall suspend the
39 driving privilege of the person for the period of time ordered by the judge.

40 D. If a person who is convicted of a violation of this section has
41 been previously convicted of a violation of this section, section 13-1102 or
42 section 13-1103, subsection A, paragraph 1, in the driving of a vehicle, or
43 section 28-708, 28-1381, 28-1382 or 28-1383 within a period of twenty-four
44 months:

45 1. The person is guilty of a class 1 misdemeanor.

1 2. The person is not eligible for probation, pardon, suspension of
2 sentence or release on any basis until the person has served not less than
3 twenty days in jail.

4 3. The judge may require the surrender to a police officer of any
5 driver license of the person and shall immediately forward the abstract of
6 conviction to the department.

7 4. On receipt of the abstract of conviction, the department shall
8 revoke the driving privilege of the person.

9 ~~E. The dates of the commission of the offense are the determining~~
10 ~~factor in applying subsection D of this section.~~ IN APPLYING THE TWENTY-FOUR
11 MONTH PERIOD PROVISION OF SUBSECTION D OF THIS SECTION, THE DATES OF THE
12 COMMISSION OF THE OFFENSE SHALL BE THE DETERMINING FACTOR, IRRESPECTIVE OF
13 THE SEQUENCE IN WHICH THE OFFENSES WERE COMMITTED. A second or subsequent
14 violation for which a conviction occurs as provided in this section does not
15 include a conviction for an offense arising out of the same series of acts.

16 F. On pronouncement of a jail sentence under this section, and after
17 the court receives confirmation that the person is employed or is a student,
18 the court may provide in the sentence that if the defendant is employed or is
19 a student the defendant can continue employment or schooling for not more
20 than twelve hours per day nor more than five days per week. The defendant
21 shall spend the remaining days or parts of days in jail until the sentence is
22 served and shall be allowed out of jail only long enough to complete the
23 defendant's actual hours of employment or schooling.

24 Sec. 12. Section 28-701, Arizona Revised Statutes, is amended to read:

25 28-701. Reasonable and prudent speed; prima facie evidence; exceptions

26 A. A person shall not drive a vehicle on a highway at a speed greater
27 than is reasonable and prudent under the circumstances, conditions and actual
28 and potential hazards then existing. A person shall control the speed of a
29 vehicle as necessary to avoid colliding with any object, person, vehicle or
30 other conveyance on, entering or adjacent to the highway in compliance with
31 legal requirements and the duty of all persons to exercise reasonable care
32 for the protection of others.

33 B. Except as provided in subsections C and D of this section or except
34 if a special hazard requires a lesser speed, any speed in excess of the
35 following speeds is prima facie evidence that the speed is too great and
36 therefore unreasonable:

37 1. Fifteen miles per hour approaching a school crossing.

38 2. Twenty-five miles per hour in a business or residential district.

39 3. Sixty-five miles per hour in other locations.

40 C. The speed limits prescribed in this section may be altered as
41 authorized in sections 28-702 and 28-703.

42 D. The maximum speed provided in this section is reduced to the speed
43 that is reasonable and prudent under the conditions and with regard to the
44 actual and potential hazards then existing, including the following
45 conditions:

- 1 1. Approaching and crossing an intersection or railroad crossing.
- 2 2. Approaching and going around a curve.
- 3 3. Approaching a hillcrest.
- 4 4. Traveling on a narrow or winding roadway.
- 5 5. A special hazard exists with respect to pedestrians or other
- 6 traffic or by reason of weather or highway conditions.

7 E. A person shall not drive a motor vehicle at a speed that is less
8 than the speed that is reasonable and prudent under existing conditions
9 UNLESS THE SPEED THAT IS REASONABLE AND PRUDENT EXCEEDS THE MAXIMUM SAFE
10 OPERATING SPEED OF THE LAWFULLY OPERATED IMPLEMENT OF HUSBANDRY.

11 Sec. 13. Section 28-704, Arizona Revised Statutes, is amended to read:
12 28-704. Minimum speed limits; requirement to turn off roadway

13 A. A person shall not drive a motor vehicle at such a slow speed as to
14 impede or block the normal and reasonable movement of traffic except when
15 EITHER OF THE FOLLOWING APPLIES:

16 1. Reduced speed is necessary for safe operation or in compliance with
17 law.

18 2. THE REASONABLE FLOW OF TRAFFIC EXCEEDS THE MAXIMUM SAFE OPERATING
19 SPEED OF THE LAWFULLY OPERATED IMPLEMENT OF HUSBANDRY.

20 B. If the director or local authorities within their respective
21 jurisdictions determine on the basis of an engineering and traffic
22 investigation that slow speeds on any part of a highway consistently impede
23 the normal and reasonable movement of traffic, the director or local
24 authority may determine and declare a minimum speed limit below which a
25 person shall not drive a vehicle except when necessary for safe operation or
26 in compliance with law.

27 C. If a person is driving a vehicle at a speed less than the normal
28 flow of traffic at the particular time and place on a two-lane highway where
29 passing is unsafe, and if five or more vehicles are formed in a line behind
30 the vehicle, the person shall turn the vehicle off the roadway at the nearest
31 place designated as a turnout by signs erected by the director or a local
32 authority, or wherever sufficient area for a safe turnout exists, in order to
33 permit the vehicles following to proceed.

34 Sec. 14. Section 28-737, Arizona Revised Statutes, is amended to read:
35 28-737. High occupancy vehicle lanes; civil penalty; definition

36 A. Except as provided in ~~section~~ SECTIONS 28-2416 AND 28-2416.01 and
37 subsections B, C, ~~AND D and E~~ of this section, a person shall not drive a
38 vehicle carrying fewer than two persons, including the driver, in a high
39 occupancy vehicle lane at any time the use of the high occupancy vehicle lane
40 is restricted to vehicles carrying two or more persons, including the driver.

41 ~~B. If the department receives approval from the federal government~~
42 ~~allowing the use of high occupancy vehicle lanes by hybrid vehicles, a person~~
43 ~~may drive a hybrid vehicle with alternative fuel vehicle special plates, or~~
44 ~~an alternative fuel vehicle sticker, and a hybrid vehicle sticker issued~~

1 ~~pursuant to section 28-2416 in high occupancy vehicle lanes at any time,~~
2 ~~regardless of occupancy level, without penalty.~~

3 ~~E. B. During the performance of a tow truck operator's duties, a tow~~
4 ~~truck operator may drive a tow truck in a high occupancy vehicle lane,~~
5 ~~regardless of occupancy level, without penalty.~~

6 ~~D. C. A person may drive a motorcycle in a high occupancy vehicle~~
7 ~~lane at any time regardless of the number of passengers, without penalty.~~

8 ~~E. D. A person may drive a public transportation vehicle in a high~~
9 ~~occupancy vehicle lane at any time regardless of the number of passengers,~~
10 ~~without penalty.~~

11 ~~F. E. A person who violates subsection A of this section is subject~~
12 ~~to a civil penalty of two hundred dollars.~~

13 ~~G. F. Notwithstanding section 28-1554, one hundred dollars of each~~
14 ~~civil penalty collected pursuant to subsection F- E of this section shall be~~
15 ~~deposited in the state general fund.~~

16 ~~H. G. For the purposes of this section, --~~

17 ~~1. "Hybrid vehicle" means a factory-manufactured vehicle that~~
18 ~~satisfies all of the following:~~

19 ~~(a) Combines two or more power train technologies to produce a vehicle~~
20 ~~with significantly lower fuel consumption than the average of its class.~~

21 ~~(b) Exhibits the storage of kinetic energy by use of regenerative~~
22 ~~braking and batteries or capacitors, and the stored energy is used to assist~~
23 ~~or provide full acceleration of the vehicle.~~

24 ~~(c) Allows a portion of the energy to be supplied from an internal~~
25 ~~combustion engine or fuel cell for vehicle acceleration and to store~~
26 ~~electrical energy on board.~~

27 ~~(d) Obtains all energy required to operate from storage fuel tanks~~
28 ~~placed on board the vehicle.~~

29 ~~(e) Has been approved by the United States environmental protection~~
30 ~~agency as meeting, at a minimum, the United States environmental protection~~
31 ~~agency ultralow emission vehicle standard pursuant to 40 Code of Federal~~
32 ~~Regulations section 88.104-94.~~

33 ~~2. "Public transportation vehicle" means any vehicle that provides a~~
34 ~~public entity's public transportation service and either:~~

35 ~~(a) 1. Is owned or operated by the public entity.~~

36 ~~(b) 2. Is operated under a contract with the public entity.~~

37 ~~Sec. 15. Section 28-797, Arizona Revised Statutes, is amended to read:~~

38 ~~28-797. School crossings; civil penalty; assessment; definition~~

39 ~~A. The director, with respect to state highways, or the officer,~~
40 ~~COUNTY board or commission of the appropriate jurisdiction, OF SUPERVISORS~~
41 ~~with respect to county highways or THE GOVERNING BODY OF A CITY OR TOWN OR~~
42 ~~ITS DESIGNEE WITH RESPECT TO city or town streets, by and with the advice of~~
43 ~~the school district governing board, or county school superintendent may mark~~
44 ~~or cause to be marked by the department or local authorities crosswalks in~~

1 front of each school building or school grounds abutting the ~~crosswalks~~
2 LOCATIONS where children are required to cross the highway or street.

3 B. The department or local authorities may approve additional
4 crossings across highways not abutting on school grounds on application of
5 school authorities and with written satisfactory assurance given the
6 department or local authorities that guards will be maintained by the school
7 district at the crossings to enforce the proper use of the crossing by school
8 children.

9 C. The manual prescribed in section 28-641 shall provide for yellow
10 marking of the school crossing, yellow marking of the center line of the
11 roadway and the erection of portable signs indicating that vehicles must stop
12 when persons are in the crossing. The manual shall also provide the type and
13 wording of portable signs indicating that school is in session and that the
14 civil penalty for a violation of this section will be doubled when the signs
15 are present and permanent signs that warn of the approach to school
16 crossings.

17 D. When the school crossings are established, school authorities shall
18 place within the highway the portable signs indicating that school is in
19 session. This placement shall be not more than three hundred feet from each
20 side of the school crossing. In addition, portable ~~"~~ SIGNS INDICATING THAT
21 THE DRIVER SHALL stop when children are in THE crosswalk~~"~~ signs shall be
22 placed at school crossings. School authorities shall maintain these signs
23 when school is in session and shall cause them to be removed ~~immediately when~~
24 WITHIN ONE HOUR AFTER THE END OF A school ~~is not in~~ session OR PURSUANT TO AN
25 AGREEMENT WITH A CITY OR TOWN.

26 E. Notwithstanding any other law:

27 1. An agency of appropriate jurisdiction may establish a school
28 crossing on an unpaved highway or street adjacent to a school when the agency
29 determines the need for the school crossing on the basis of a traffic study.
30 School crossings on unpaved highways and streets shall be marked by the use
31 of signs as prescribed in the manual prescribed in section 28-641.

32 2. A local authority may establish a school crossing at an
33 intersection containing a traffic control signal if the local authority
34 determines the need for a school crossing on the basis of a traffic study.

35 F. A vehicle ~~approaching the crosswalk~~ shall not proceed at a speed of
36 more than fifteen miles per hour between the portable signs placed on the
37 highway indicating THAT THERE SHALL BE NO PASSING, THAT ~~"~~school IS in
38 session~~"~~ and ~~"~~THAT THE DRIVER SHALL stop when children are in THE
39 crosswalk~~"~~.

40 G. When a school authority places and maintains the required portable
41 SIGNS INDICATING THAT THERE SHALL BE NO PASSING, ~~"~~THAT school IS in
42 session~~"~~ signs and ~~"~~THAT THE DRIVER SHALL stop when children are in THE
43 crosswalk~~"~~ signs, all vehicles shall come to a complete stop at the school
44 crossing when the crosswalk is occupied by a person.

1 H. A vehicle approaching the crosswalk shall not proceed at a speed of
2 more than fifteen miles per hour between the portable signs placed on the
3 highway indicating THAT THERE SHALL BE NO PASSING, ~~"THAT school IS in~~
4 ~~session"~~, ~~"THAT THE DRIVER SHALL stop when children are in THE crosswalk"~~
5 and ~~"THAT THE civil penalty will be doubled"~~ DOUBLE.

6 I. When a school authority places and maintains the required portable
7 SIGNS INDICATING THAT THERE SHALL BE NO PASSING, ~~"THAT school IS in~~
8 ~~session" signs~~, ~~"THAT THE DRIVER SHALL stop when children are in THE~~
9 ~~crosswalk" signs~~ and ~~"THAT THE civil penalty will double" signs~~, all
10 vehicles shall come to a complete stop at the school crossing when a person
11 is in the crosswalk.

12 J. If a person is found responsible for a violation of subsection F or
13 G of this section, the person is subject to a civil penalty.

14 K. If a person is found responsible for a violation of subsection H or
15 I of this section, the person is subject to a civil penalty and shall pay an
16 additional assessment equal to the amount of the civil penalty. The
17 additional assessment is not subject to any surcharge.

18 L. The court shall collect the additional assessment imposed pursuant
19 to subsection K of this section at the same time the court collects the civil
20 penalty. Partial payments of the total amount due pursuant to this
21 subsection shall be divided according to the proportion that the civil
22 penalty, the penalty assessments levied pursuant to sections 12-116.01 and
23 12-116.02 and the additional assessment imposed pursuant to this section
24 represent of the total amount due. The court and the department shall treat
25 failure to pay the additional assessment imposed pursuant to this subsection
26 in the same manner as failure to pay a civil penalty, including taking action
27 against the person's driver license or permit or privilege to drive pursuant
28 to sections 28-1601, 28-3153 and 28-3305.

29 M. If a person is found responsible pursuant to subsection K of this
30 section in a justice court or superior court, the court shall transmit monies
31 received to pay the additional assessment to the county treasurer. If a
32 person is found responsible pursuant to subsection K of this section in a
33 municipal court, the court shall transmit the monies received to pay the
34 additional assessment to the city treasurer. The city or county treasurer
35 shall deposit the monies received to pay the additional assessment in a fund
36 to pay for costs related to enforcement of this section.

37 N. For the purposes of this section, "school IS in session", when used
38 either in reference to the period of time or to signs, means during school
39 hours or while children are going to or leaving school during opening or
40 closing hours.

41 Sec. 16. Section 28-873, Arizona Revised Statutes, is amended to read:

42 28-873. Stopping, standing or parking prohibitions; exceptions;
43 definition

44 A. Except if necessary to avoid conflict with other traffic or if in
45 compliance with law or the directions of a police officer or traffic control

- 1 device, a person shall not stop, stand or park a vehicle in any of the
2 following places:
- 3 1. On a sidewalk.
 - 4 2. In front of a public or private driveway, except that this
5 paragraph does not apply to a vehicle or the driver of a vehicle engaged in
6 the official delivery of the United States mail if both of the following
7 apply:
 - 8 (a) The driver does not leave the vehicle.
 - 9 (b) The vehicle is stopped only momentarily.
 - 10 3. Within an intersection.
 - 11 4. Within fifteen feet of a fire hydrant.
 - 12 5. On a crosswalk.
 - 13 6. Within twenty feet of a crosswalk at an intersection.
 - 14 7. Within thirty feet on the approach to any flashing beacon, stop
15 sign, yield sign or traffic control signal located at the side of a roadway.
 - 16 8. Between a safety zone and the adjacent curb or within thirty feet
17 of points on the curb immediately opposite the ends of a safety zone, unless
18 the director or a local authority indicates a different length by signs or
19 markings.
 - 20 9. Within fifty feet of the nearest rail or a railroad crossing or
21 within eight feet six inches of the center of any railroad track, except
22 while a motor vehicle with motive power attached is loading or unloading
23 railroad cars.
 - 24 10. Within twenty feet of the driveway entrance to a fire station and
25 on the side of a street opposite the entrance to any fire station within
26 seventy-five feet of the entrance when properly posted.
 - 27 11. Alongside or opposite a street excavation or obstruction when
28 stopping, standing or parking would obstruct traffic.
 - 29 12. On the roadway side of a vehicle stopped or parked at the edge or
30 curb of a street.
 - 31 13. On a bridge or other elevated structure on a highway or within a
32 highway tunnel.
 - 33 14. At any place where official signs prohibit standing or stopping.
 - 34 15. On a controlled access highway except:
 - 35 (a) For emergency reasons.
 - 36 (b) In areas specifically designated for parking such as rest areas.
 - 37 B. A local authority may allow motor vehicles providing a public
38 entity's public transportation service to stop on a state highway or state
39 route for the purpose of allowing passengers to enter or exit if all of the
40 following apply:
 - 41 1. The local authority that has jurisdiction over the location of the
42 proposed stopping point conducts a traffic and engineering investigation to
43 determine whether passengers are able to safely enter or exit public
44 transportation vehicles at the proposed stopping point.

1 2. The local authority that conducts the traffic and engineering
2 investigation pursuant to paragraph 1 of this subsection submits the results
3 of the investigation to the director for review and approval of the proposed
4 stopping point.

5 3. The driver does not leave the vehicle.

6 4. The vehicle is stopped only long enough to load and unload
7 passengers.

8 5. The vehicle engages four-way hazard flashers.

9 6. The roadway has a posted speed limit that does not exceed
10 ~~forty-five~~ FIFTY-FIVE miles per hour.

11 7. The roadway has signed or signalized intersection controls within a
12 jurisdictionally confined boundary.

13 8. The vehicle is clearly marked as a public transportation vehicle.

14 9. As determined by the director in conjunction with the local
15 authority, the driver drives the vehicle into a pullout or uses any other
16 available method that limits the vehicle from interfering with traffic on the
17 roadway.

18 C. For the purposes of this section, "public transportation vehicle"
19 means any vehicle that either:

20 1. Is owned or operated by a public entity.

21 2. Is operated under a contract with a public entity.

22 Sec. 17. Section 28-876, Arizona Revised Statutes, is amended to read:

23 28-876. Parking spaces for electric vehicles; civil penalty

24 A. A person shall not stop, stand or park a motor vehicle within any
25 parking space specially designated for parking and fueling motor vehicles
26 fueled EXCLUSIVELY by electricity unless the motor vehicle is powered by
27 electricity and has been issued an alternative fuel vehicle special plate or
28 sticker pursuant to section 28-2416.

29 B. If a law enforcement officer finds a motor vehicle in violation of
30 this section, the law enforcement officer shall issue a complaint to the
31 operator or other person in charge of the motor vehicle or, if an operator or
32 other person is not present, to the registered owner of the motor vehicle for
33 a civil traffic violation.

34 C. A person who is found responsible for a violation of this section
35 is subject to a civil penalty of at least three hundred fifty dollars.
36 Notwithstanding section 28-1554, the civil penalties collected pursuant to
37 this subsection shall be deposited in the state general fund.

38 Sec. 18. Section 28-924, Arizona Revised Statutes, is amended to read:

39 28-924. Motor vehicle head lamps

40 A. A motor vehicle other than a motorcycle, an all-terrain vehicle or
41 a motor driven cycle shall be equipped with at least two head lamps with at
42 least one on each side of the front of the motor vehicle. The head lamps
43 shall comply with the requirements and limitations of this article.

1 B. A motorcycle, an all-terrain vehicle and a motor driven cycle shall
2 be equipped with at least one and not more than two head lamps that comply
3 with the requirements and limitations of this article.

4 C. A head lamp on a motor vehicle, including a motorcycle, an
5 all-terrain vehicle and a motor driven cycle, shall be located at a height of
6 not more than fifty-four inches nor less than ~~twenty-four~~ TWENTY-TWO inches
7 to be measured as provided in section 28-923, subsection B.

8 Sec. 19. Section 28-925, Arizona Revised Statutes, is amended to read:

9 28-925. Tail lamps

10 A. A motor vehicle, trailer, semitrailer and pole trailer and any
11 other vehicle that is being drawn at the end of a train of vehicles shall be
12 equipped with at least one tail lamp mounted on the rear. When lighted as
13 required by this article, the tail lamp shall emit a red light plainly
14 visible from a distance of five hundred feet to the rear, except that in the
15 case of a train of vehicles, only the tail lamp on the rearmost vehicle need
16 actually be seen from the distance specified.

17 B. A tail lamp on a vehicle shall be located at a height of not more
18 than ~~sixty~~ SEVENTY-TWO inches nor less than fifteen inches to be measured as
19 provided in section 28-923, subsection B.

20 C. Either a tail lamp or a separate lamp shall be constructed and
21 placed in a manner that illuminates with a white light the rear license plate
22 and renders it clearly legible from a distance of fifty feet to the rear. A
23 tail lamp or tail lamps together with any separate lamp for illuminating the
24 rear license plate shall be wired to provide that the tail lamp or lamps are
25 lighted whenever the head lamps or auxiliary driving lamps are lighted.

26 Sec. 20. Repeal

27 Section 28-952.01, Arizona Revised Statutes, is repealed.

28 Sec. 21. Section 28-1100, Arizona Revised Statutes, is amended to
29 read:

30 28-1100. Vehicles and loads: gross weight restrictions;
31 exceptions

32 A. EXCEPT AS PROVIDED IN SUBSECTION H OF THIS SECTION, a person may
33 operate a vehicle on all highways subject to the following maximum gross
34 weights:

35 1. Twenty thousand pounds, including enforcement tolerances, on any
36 one axle.

37 2. Thirty-four thousand pounds, including enforcement tolerances, on a
38 tandem axle.

39 3. Eighty thousand pounds on a vehicle combination of five axles or
40 more.

41 4. On a group of two or more consecutive axles, including any steering
42 or castering axles, an overall gross weight, including enforcement
43 tolerances, produced by application of the following formula in which W
44 equals overall gross weight on any group of two or more consecutive axles to
45 the nearest five hundred pounds, L equals distance in feet between the

1 extreme of any group of two or more consecutive axles to the nearest foot and
 2 N equals number of axles in any group under consideration, except that two
 3 consecutive sets of tandem axles may carry a gross load of thirty-four
 4 thousand pounds each if the overall distance between the first and last axles
 5 of the consecutive sets of tandem axles is thirty-six feet or more if the
 6 overall gross weight does not exceed eighty thousand pounds, including all
 7 enforcement tolerances:

$$W = 500 (LN/(N-1) + 12N + 36)$$

8
 9 B. ~~As used in~~ FOR THE PURPOSES OF subsection A of this section,
 10 "tandem axles" means two or more consecutive axles that are more than forty
 11 inches but not more than ninety-six inches apart.

12 C. This section does not apply to a vehicle and load that cannot be
 13 easily dismantled or divided and that have been issued a special permit
 14 pursuant to section 28-1103.

15 D. It is not a defense in a prosecution for a violation of this
 16 section that a vehicle or vehicle combination is registered for a declared
 17 gross weight as defined in section 28-5431 in excess of the amount allowed
 18 under this section. The department shall not make an allowance or refund for
 19 fees paid for the weight in excess of the amount allowed under this section.

20 E. A single vehicle or a single vehicle of a combination of vehicles
 21 shall not be equipped with more than three axles, including the front
 22 steering axle, unless the additional axles are steering axles or castering
 23 axles. The limitation on the number of axles provided in this subsection
 24 does not apply to a vehicle operated with a permit issued pursuant to section
 25 28-1103.

26 F. A vehicle or combination of vehicles equipped with one or more
 27 variable load axles shall have the pressure control preset and located
 28 outside of the cab so that the operator of the vehicle cannot vary the weight
 29 carried on the variable load axle or axles during transport of a load. The
 30 actuating control that raises or lowers the axle or axles may be located
 31 inside the cab for safety purposes. This actuating control must completely
 32 raise or completely lower the axle or axles when activated.

33 G. This section does not apply to a truck that meets all of the
 34 following requirements and for which a special permit has been issued
 35 pursuant to section 28-1103:

- 36 1. Is equipped with a conveyor bed.
- 37 2. Is used solely as a fiber and forage module mover.
- 38 3. Does not exceed forty-eight feet in length.
- 39 4. Is only operated each year from August 1 through January 30.

40 H. THE GROSS WEIGHT OF A HEAVY-DUTY VEHICLE THAT IS EQUIPPED WITH IDLE
 41 REDUCTION TECHNOLOGY AND THE GROSS WEIGHT IMPOSED ON THE HIGHWAY BY THE
 42 WHEELS OF ANY ONE AXLE OR AXLE GROUP OF THE VEHICLE MAY EXCEED THE WEIGHT
 43 LIMITATION SPECIFIED IN SUBSECTION A OF THIS SECTION BY NOT MORE THAN FOUR
 44 HUNDRED POUNDS OR THE WEIGHT OF THE IDLE REDUCTION TECHNOLOGY, WHICHEVER IS
 45 LESS. THIS SUBSECTION ONLY APPLIES IF THE HEAVY-DUTY VEHICLE OPERATOR, ON

1 REQUEST, PROVES BY WRITTEN CERTIFICATION THE WEIGHT OF THE IDLE REDUCTION
2 TECHNOLOGY AND, BY DEMONSTRATION OR CERTIFICATION, THAT THE IDLE REDUCTION
3 TECHNOLOGY IS FULLY FUNCTIONAL AT ALL TIMES. FOR THE PURPOSES OF THIS
4 SUBSECTION, "HEAVY-DUTY VEHICLE" AND "IDLE REDUCTION TECHNOLOGY" HAVE THE
5 SAME MEANINGS PRESCRIBED IN 42 UNITED STATES CODE SECTION 16104a.

6 Sec. 22. Section 28-1110, Arizona Revised Statutes, is amended to
7 read:

8 28-1110. Escort vehicle operation; training and certification;
9 exemption

10 A. Except as otherwise provided in this section, any individual
11 operating an escort vehicle that is escorting a vehicle required to be
12 permitted pursuant to this article or article 19 of this chapter on a highway
13 in this state shall have completed training in and be certified by a program
14 that meets the escort vehicle operator training and certification standards
15 of the commercial vehicle safety alliance or an equivalent program that meets
16 the same objectives PRIOR TO ENTERING INTO SERVICE AS AN ESCORT VEHICLE
17 OPERATOR.

18 B. An escort vehicle operator shall repeat training and certification
19 requirements at least once every four years.

20 C. An escort vehicle operator shall:

21 1. Be at least eighteen years of age.

22 2. Have a valid driver license.

23 3. Have a legible and valid escort vehicle operator certificate issued
24 in this state or in another state in the operator's immediate possession
25 while operating an escort vehicle that is escorting a vehicle required to be
26 permitted pursuant to this article or article 19 of this chapter on a highway
27 in this state.

28 4. HAVE A MINIMUM OF FOUR HOURS OF TRAINING IN CERTIFIED TRAFFIC
29 CONTROL TECHNIQUES.

30 D. An individual who operates an escort vehicle in violation of this
31 section or rules adopted by the director relating to the operation of escort
32 vehicles is responsible for a civil traffic violation.

33 E. A department or agency of this state shall not consider the
34 violation for the purpose of determining whether the person's driver license
35 should be suspended or revoked and a court shall not transmit abstracts of
36 records of judgment for the violation to the department.

37 F. This section does not apply to law enforcement personnel escorting
38 overdimensional permitted loads in the conduct of their normal duties or
39 under contract to governmental entities.

40 G. A certification issued by another state authorizing a person to
41 escort vehicles required to be permitted pursuant to this article or article
42 19 of this chapter on a highway in this state satisfies the certification
43 requirements of this section.

1 Sec. 23. Title 28, chapter 3, Arizona Revised Statutes, is amended by
2 adding article 21, to read:

3 ARTICLE 21. PHOTO ENFORCEMENT SYSTEMS

4 28-1201. Definition of photo enforcement system

5 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PHOTO
6 ENFORCEMENT SYSTEM" HAS THE SAME MEANING PRESCRIBED IN SECTION 28-601 AND
7 INCLUDES A STATE PHOTO ENFORCEMENT SYSTEM ESTABLISHED PURSUANT TO SECTION
8 41-1722.

9 28-1202. Exemption; first responders

10 A VEHICLE IN USE BY A FIRST RESPONDER IN THE LINE OF DUTY IS EXEMPT
11 FROM ANY ENFORCEMENT ACTION OR MEASURE RESULTING FROM A PHOTO ENFORCEMENT
12 SYSTEM.

13 Sec. 24. Repeal

14 Title 28, chapter 6, article 1, Arizona Revised Statutes, is repealed.

15 Sec. 25. Section 28-2003, Arizona Revised Statutes, is amended to
16 read:

17 28-2003. Fees; vehicle title and registration; identification
18 plate; definition

19 A. The following fees are required:

20 1. For each certificate of title, salvage certificate of title,
21 restored salvage certificate of title or nonrepairable vehicle certificate of
22 title, four dollars.

23 2. For each certificate of title for a mobile home, seven
24 dollars. The director shall deposit three dollars of each fee imposed by
25 this paragraph in the state highway fund established by section 28-6991.

26 3. For the registration of a motor vehicle, eight dollars, except that
27 the fee for motorcycles is nine dollars.

28 4. For a duplicate registration card or any duplicate permit, four
29 dollars.

30 5. For each special ninety day nonresident registration issued under
31 section 28-2154, fifteen dollars.

32 6. ~~Except as provided in paragraph 7 of this subsection,~~ For the
33 registration of a trailer or semitrailer that IS NOT A TRAVEL TRAILER AND
34 THAT is ten thousand pounds or less gross vehicle weight AND THAT IS USED IN
35 THE FURTHERANCE OF A COMMERCIAL ENTERPRISE, eight dollars. ~~and~~

36 7. For the registration of a trailer or semitrailer that IS NOT A
37 TRAVEL TRAILER AND THAT exceeds ten thousand pounds gross vehicle weight:

38 (a) On initial registration, a one-time fee of two hundred forty-five
39 dollars.

40 (b) On renewal of registration or if previously registered in another
41 state, a one-time fee of:

42 (i) If the trailer's or semitrailer's model year is less than six
43 years old, one hundred forty-five dollars.

44 (ii) If the trailer's or semitrailer's model year is at least six
45 years old, ninety-five dollars.

1 ~~7-~~ 8. For the registration of a noncommercial trailer that is not a
2 travel trailer and that is ~~less than six~~ TEN thousand pounds OR LESS gross
3 vehicle weight:

4 (a) On initial registration, a one-time fee of twenty dollars.

5 (b) On renewal of registration, a one-time fee of five dollars.

6 ~~8-~~ 9. For a transfer of a noncommercial trailer that is not a travel
7 trailer and that is ~~less than six~~ TEN thousand pounds OR LESS gross vehicle
8 weight, twelve dollars.

9 ~~9-~~ 10. For each special ninety day resident registration issued under
10 section 28-2154, fifteen dollars.

11 ~~10-~~ 11. For each one trip registration permit issued under section
12 28-2155, one dollar.

13 ~~11-~~ 12. For each temporary general use registration issued under
14 section 28-2156, fifteen dollars.

15 ~~12-~~ 13. For each identification plate bearing a serial or
16 identification number to be affixed to any vehicle, five dollars.

17 B. For the purposes of this section, "travel trailer" means a trailer
18 that is:

19 1. Mounted on wheels.

20 2. Designed to provide temporary living quarters for recreational,
21 camping or travel use.

22 3. Less than eight feet in width and less than forty feet in length.

23 Sec. 26. Section 28-2351, Arizona Revised Statutes, is amended to
24 read:

25 28-2351. License plate provided; design

26 A. The department shall provide to every owner one license plate for
27 each vehicle registered. At the request of the owner and on payment of any
28 required fee, the department shall provide either one or two license plates
29 for a vehicle for which a special plate is requested pursuant to this
30 chapter, except that the department shall provide one license plate if the
31 special plate is issued pursuant to section 28-2404, ~~28-2409 or~~ 28-2416 OR
32 28-2416.01.

33 B. The license plate shall display the number assigned to the vehicle
34 and to the owner of the vehicle and the name of this state, which may be
35 abbreviated. The director shall coat the license plate with a reflective
36 material that is consistent with the determination of the license plate
37 commission established by section 28-2405 regarding the color and design of
38 license plates and special plates as prescribed by section 28-2405. The
39 director shall design the license plate and the letters and numerals on the
40 license plate to be of sufficient size to be plainly readable during daylight
41 from a distance of one hundred feet. In addition to the standard license
42 plate issued for a trailer before August 12, 2005, the director shall issue a
43 license plate for trailers that has a design that is similar to the standard
44 size license plate for trailers but that is the same size as the license

1 plate for motorcycles. The trailer owner shall notify the department which
2 size license plate the owner wants for the trailer.

3 C. Notwithstanding any other law, the department shall not contract
4 with a nongovernmental entity to purchase or secure reflective material for
5 the plates issued by the department unless the department has made a
6 reasonable effort to secure qualified bids or proposals from as many
7 individual responsible respondents as possible.

8 D. The license plate commission established by section 28-2405 shall
9 determine the color and design of the license plate. All other plates issued
10 by the department, except the plates issued pursuant to sections 28-2412,
11 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through ~~28-2432~~ 28-2434,
12 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, shall
13 be the same color as and similar in design to the license plate as determined
14 by the commission.

15 E. A passenger motor vehicle rented without a driver shall receive the
16 same type of license plate as issued for a private passenger motor vehicle.

17 Sec. 27. Section 28-2354, Arizona Revised Statutes, is amended to
18 read:

19 28-2354. License plates; attachment; civil penalty

20 A. A person shall display the license plate or plates as follows:

21 1. For a motor vehicle, motorcycle, trailer or semitrailer, on the
22 rear.

23 2. For a vehicle for which two license plates are issued, the vehicle
24 owner shall display either of the following:

25 (a) One plate on the rear.

26 (b) One plate on the front and one plate on the rear.

27 B. A person shall display all license plates as required by
28 subsection A until their lawful use expires or is canceled or revoked. A
29 person shall maintain each license plate so it is clearly legible ~~and so that~~
30 ~~the name of this state at the top of the license plate is not obscured.~~ A
31 person shall securely fasten each license plate to the vehicle as follows:

32 1. To prevent the plate from swinging.

33 2. At a height of at least twelve inches from the ground to the bottom
34 of the plate.

35 3. In a position to be clearly visible.

36 C. A PERSON SHALL MAINTAIN EACH LICENSE PLATE SO THAT THE NAME OF THIS
37 STATE AT THE TOP OF THE LICENSE PLATE IS NOT OBSCURED.

38 D. A PEACE OFFICER SHALL NOT STOP OR ISSUE A CITATION TO A PERSON
39 OPERATING A MOTOR VEHICLE ON A HIGHWAY IN THIS STATE FOR A VIOLATION OF
40 SUBSECTION C OF THIS SECTION UNLESS THE PEACE OFFICER HAS REASONABLE CAUSE TO
41 BELIEVE THERE IS ANOTHER ALLEGED VIOLATION OF A MOTOR VEHICLE LAW OF THIS
42 STATE.

43 E. IF A PERSON VIOLATES SUBSECTION C OF THIS SECTION, THE PERSON IS
44 SUBJECT TO A CIVIL PENALTY OF THIRTY DOLLARS, EXCEPT THAT IF A PERSON
45 VIOLATES SUBSECTION C OF THIS SECTION WITHIN TWELVE MONTHS AFTER THE DATE OF

1 A PRIOR VIOLATION OF SUBSECTION C OF THIS SECTION, THE PERSON IS SUBJECT TO A
2 CIVIL PENALTY OF ONE HUNDRED DOLLARS.

3 Sec. 28. Section 28-2403, Arizona Revised Statutes, is amended to
4 read:

5 28-2403. Special plates; transfers; violation; classification

6 A. Except as otherwise provided in this article, the department shall
7 issue or renew special plates in lieu of the regular license plates pursuant
8 to the following conditions and procedures and only if the requirements
9 prescribed by this article for the requested special plates are met:

10 1. Except as provided in ~~section~~ SECTIONS 28-2416 AND 28-2416.01, a
11 person who is the registered owner of a vehicle registered with the
12 department or who applies for an original or renewal registration of a
13 vehicle may submit to the department a completed application form as
14 prescribed by the department with the fee prescribed by section 28-2402 for
15 special plates in addition to the registration fee prescribed by section
16 28-2003.

17 2. Except for plates issued pursuant to sections 28-2412, 28-2413,
18 28-2414, 28-2416, 28-2416.01, 28-2417 through ~~28-2432~~ 28-2434, 28-2452,
19 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, the special
20 plates shall be the same color as and similar to the design of the regular
21 license plates that is determined by the license plate commission pursuant to
22 section 28-2351.

23 3. Except as provided in section 28-2416, the department shall issue
24 special plates only to the owner or lessee of a vehicle that is currently
25 registered, including any vehicle that has a declared gross weight, as
26 defined in section 28-5431, of twenty-six thousand pounds or less.

27 4. Except as provided in ~~section~~ SECTIONS 28-2416 AND 28-2416.01, the
28 department shall charge the fee prescribed by section 28-2402 for each annual
29 renewal of special plates in addition to the registration fee prescribed by
30 section 28-2003.

31 B. Except as provided in ~~section~~ SECTIONS 28-2416 AND 28-2416.01, on
32 notification to the department and on payment of the transfer fee prescribed
33 by section 28-2402, a person who is issued special plates may transfer the
34 special plates to another vehicle the person owns or leases. Persons who are
35 issued special plates for hearing impaired persons pursuant to section
36 28-2408 and international symbol of access special plates pursuant to section
37 28-2409 are exempt from the transfer fee. If a person who is issued special
38 plates sells, trades or otherwise releases ownership of the vehicle on which
39 the plates have been displayed, the person shall immediately report the
40 transfer of the plates to the department or the person shall surrender the
41 plates to the department as prescribed by the director. It is unlawful for a
42 person to whom the plates have been issued to knowingly permit them to be
43 displayed on a vehicle except the vehicle authorized by the department.

44 C. The special plates shall be affixed to the vehicle for which
45 registration is sought in lieu of the regular license plates.

1 D. A person is guilty of a class 3 misdemeanor who:

2 1. Violates subsection B of this section.

3 2. Fraudulently gives false or fictitious information in the
4 application for or renewal of special plates or placards issued pursuant to
5 this article.

6 3. Conceals a material fact or otherwise commits fraud in the
7 application for or renewal of special plates or placards issued pursuant to
8 this article.

9 Sec. 29. Section 28-2405, Arizona Revised Statutes, is amended to
10 read:

11 28-2405. License plate commission

12 A. A license plate commission is established. The commission is
13 composed of the following members:

14 1. Two public members who are appointed by the director of the
15 department of transportation.

16 2. A person who is appointed by the governor from the governor's
17 office of highway safety and who serves at the pleasure of the governor.

18 3. The director of the department of public safety or the director's
19 designee.

20 4. The director of the department of transportation or the director's
21 designee.

22 5. The director of the office of tourism or the director's designee.

23 6. The director of the state department of corrections or the
24 director's designee.

25 B. The director of the department of transportation or the director's
26 designee shall serve as chairman of the commission. The chairman shall
27 preside at commission meetings and coordinate the activities of the
28 commission and staff implementation of commission actions.

29 C. All official actions of the commission shall be decided by a
30 majority vote of commission members.

31 D. The commission shall determine the following:

32 1. The color and design of license plates.

33 2. The color of special plates to be the same as and the design of
34 special plates to be similar to the license plates, except for special plates
35 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416, 28-2416.01,
36 28-2417 through 28-2432 28-2434, 28-2452, 28-2453, 28-2454 and 28-2455 and
37 article 14 of this chapter.

38 3. Whether to authorize special organization plates pursuant to
39 section 28-2404.

40 4. The indicia for special organization plates issued pursuant to
41 section 28-2404.

42 E. The department shall provide the commission with staff and
43 technical assistance as necessary to perform its functions.

44 F. Commission members are not eligible to receive compensation, but
45 the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of

1 this section are eligible for reimbursement of expenses pursuant to title 38,
2 chapter 4, article 2.

3 Sec. 30. Section 28-2416, Arizona Revised Statutes, is amended to
4 read:

5 28-2416. Alternative fuel vehicle special plates; stickers; use
6 of high occupancy vehicle lanes; definition

7 A. ~~Beginning on April 1, 1997,~~ A person who owns a motor vehicle that
8 has either been converted or manufactured to use an alternative fuel AS THE
9 VEHICLE'S EXCLUSIVE FUEL SOURCE AND THAT IS INCAPABLE OF OPERATING ON ANY
10 OTHER TYPE OF FUEL and the alternative fuel was subject to the use fuel tax
11 imposed pursuant to chapter 16 of this title before April 1, 1997 shall apply
12 for alternative fuel vehicle special plates pursuant to this section.

13 ~~B. A person who owns a motor vehicle that is a hybrid vehicle may~~
14 ~~apply for alternative fuel vehicle special plates pursuant to this~~
15 ~~section. The department shall issue alternative fuel vehicle special plates,~~
16 ~~or an alternative fuel vehicle sticker as provided in subsection E of this~~
17 ~~section, and a hybrid vehicle sticker to a person who satisfies the~~
18 ~~requirements prescribed in subsection C of this section. The hybrid vehicle~~
19 ~~sticker shall be designed by the department and shall be placed on the motor~~
20 ~~vehicle as prescribed by the department.~~

21 ~~C.~~ B. The department shall issue alternative fuel vehicle special
22 plates, or an alternative fuel vehicle sticker as provided in subsection E- D
23 of this section, to a person who satisfies all of the following:

24 1. Owns a motor vehicle that is EXCLUSIVELY powered by an alternative
25 fuel ~~or that is a hybrid vehicle~~ AND THAT IS INCAPABLE OF OPERATING ON ANY
26 OTHER TYPE OF FUEL.

27 2. Provides proof as follows:

28 (a) For an original equipment manufactured alternative fuel vehicle ~~or~~
29 ~~hybrid vehicle~~, the dealer who sells the motor vehicle shall provide to the
30 department of transportation and the owner of the motor vehicle a certificate
31 indicating:

32 (i) That the motor vehicle is EXCLUSIVELY powered by an alternative
33 fuel ~~or is a hybrid vehicle~~ AND IS INCAPABLE OF OPERATING ON ANY OTHER TYPE
34 OF FUEL.

35 (ii) The emission classification of the motor vehicle as low,
36 inherently low, ultralow or zero.

37 (b) For a converted motor vehicle or a motor vehicle that is assembled
38 by the owner, the department of environmental quality or an agent of the
39 department of environmental quality shall provide a certificate to the
40 department of transportation and the owner of the motor vehicle indicating
41 that the motor vehicle is EXCLUSIVELY powered by an alternative fuel ~~or is a~~
42 ~~hybrid vehicle~~ AND IS INCAPABLE OF OPERATING ON ANY OTHER TYPE OF FUEL.

43 3. Pays an eight dollar special plate ~~administrative~~ ADMINISTRATION
44 fee, except that vehicles that are registered pursuant to section 28-2511 are
45 exempt from that fee. The department shall deposit, pursuant to sections

1 35-146 and 35-147, all special plate administrative ADMINISTRATION fees in
2 the state highway fund established by section 28-6991.

3 ~~D.~~ C. The color and design of the alternative fuel vehicle special
4 plates are subject to the approval of the department of commerce energy
5 office. The director may allow a request for alternative fuel vehicle
6 special plates to be combined with a request for personalized special plates.
7 If the director allows such a combination, the request shall be in a form
8 prescribed by the director and is subject to the fees for the personalized
9 special plates in addition to the fees required for alternative fuel vehicle
10 special plates. Alternative fuel vehicle special plates are not
11 transferable, except that if the director allows alternative fuel vehicle
12 special plates to be personalized a person who is issued personalized
13 alternative fuel vehicle special plates may transfer those plates to another
14 alternative fuel vehicle for which the person is the registered owner or
15 lessee.

16 ~~E.~~ D. If a motor vehicle qualifies pursuant to this section and any
17 other special plates are issued pursuant to article 7, 8 or 13 of this
18 chapter or section 28-2514 for the motor vehicle, the department may issue an
19 alternative fuel vehicle sticker to the person who owns the motor vehicle.
20 The alternative fuel vehicle sticker shall be diamond-shaped, shall indicate
21 the type of alternative fuel used by the vehicle and shall be placed on the
22 motor vehicle as prescribed by the department.

23 ~~F.~~ E. Except as provided in section 28-737, ~~subsection B~~ 28-337, a
24 person may drive a motor vehicle with alternative fuel vehicle special plates
25 or an alternative fuel vehicle sticker in high occupancy vehicle lanes at any
26 time, regardless of occupancy level, without penalty.

27 ~~G.~~ F. A person shall not drive a motor vehicle in a high occupancy
28 vehicle lane with an alternative fuel vehicle sticker if the motor vehicle is
29 not an alternative fuel vehicle ~~or a hybrid vehicle~~ for which an alternative
30 fuel vehicle sticker ~~and a hybrid vehicle sticker~~ have HAS been issued
31 pursuant to this section. A person who violates this subsection is subject
32 to a civil penalty of three hundred fifty dollars. Notwithstanding section
33 28-1554, the civil penalty collected pursuant to this subsection shall be
34 deposited in the state general fund.

35 ~~H. The department shall mark high occupancy vehicle lane signs to~~
36 ~~indicate that those lanes may be used by alternative fuel vehicles regardless~~
37 ~~of the number of occupants. The design of the sign shall be the same as the~~
38 ~~design of the alternative fuel vehicle special plate, and the sign shall be~~
39 ~~at least as large as the high occupancy vehicle lane sign. These high~~
40 ~~occupancy vehicle lane signs are official traffic control devices. On~~
41 ~~highway exit signs the department shall also indicate access to alternative~~
42 ~~fuel vehicle fueling stations that are open to the public.~~

43 G. FOR THE PURPOSES OF SECTION 28-337, THE DEPARTMENT SHALL:

44 1. LIMIT OR SUSPEND THE ISSUANCE OF ALTERNATIVE FUEL VEHICLE SPECIAL
45 PLATES.

1 2. REMOVE THE PRIVILEGE OF OPERATING IN THE HIGH OCCUPANCY VEHICLE
2 LANE WITH A SINGLE OCCUPANT, INCLUDING THE DRIVER.

3 ~~H.~~ H. If the department publishes maps of the state highway system
4 that are distributed to the general public, the department shall indicate on
5 those maps the approximate location of alternative fuel delivery facilities
6 that are open to the public.

7 ~~I.~~ I. For the purposes of this section, ~~+~~
8 ~~1.~~ "alternative fuel" has the same meaning prescribed in section
9 1-215.

10 ~~2. "Hybrid vehicle" has the same meaning prescribed in section 28-737.~~
11 Sec. 31. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
12 amended by adding section 28-2416.01, to read:

13 28-2416.01. Low emission and energy efficient vehicle special
14 plates; use of high occupancy vehicle lanes;
15 civil penalty

16 A. EXCEPT AS PROVIDED IN SECTION 28-337 AND IF THE DEPARTMENT RECEIVES
17 APPROVAL FROM THE FEDERAL GOVERNMENT AS PRESCRIBED IN SUBSECTION D OF THIS
18 SECTION, A PERSON WHO OWNS A MOTOR VEHICLE THAT IS A LOW EMISSION AND ENERGY
19 EFFICIENT VEHICLE AS DEFINED IN SECTION 28-601 MAY APPLY FOR A LOW EMISSION
20 AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE PURSUANT TO THIS SECTION. THE LOW
21 EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE SHALL BE DESIGNED BY THE
22 DIRECTOR.

23 B. A PERSON WHO APPLIES FOR A LOW EMISSION AND ENERGY EFFICIENT
24 VEHICLE SPECIAL PLATE SHALL PAY AN EIGHT DOLLAR PLATE ADMINISTRATION FEE,
25 EXCEPT THAT VEHICLES THAT ARE REGISTERED PURSUANT TO SECTION 28-2511 ARE
26 EXEMPT FROM THAT FEE. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS
27 35-146 AND 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY
28 FUND ESTABLISHED BY SECTION 28-6991.

29 C. THE DIRECTOR MAY ALLOW A REQUEST FOR A LOW EMISSION AND ENERGY
30 EFFICIENT VEHICLE SPECIAL PLATE TO BE COMBINED WITH A REQUEST FOR
31 PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE
32 REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE
33 FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR
34 LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATES. LOW EMISSION AND
35 ENERGY EFFICIENT VEHICLE SPECIAL PLATES MAY BE TRANSFERRED TO ANOTHER LOW
36 EMISSION AND ENERGY EFFICIENT VEHICLE FOR WHICH THE PERSON IS THE REGISTERED
37 OWNER OR LESSEE.

38 D. EXCEPT AS PROVIDED IN SECTION 28-337 AND IF THE DEPARTMENT RECEIVES
39 APPROVAL FROM THE FEDERAL GOVERNMENT ALLOWING THE USE OF HIGH OCCUPANCY
40 VEHICLE LANES BY LOW EMISSION AND ENERGY EFFICIENT VEHICLES, AS DEFINED IN
41 SECTION 28-601, THAT ACHIEVE NOT LESS THAN A FIFTY PER CENT INCREASE IN CITY
42 FUEL ECONOMY OR NOT LESS THAN A TWENTY-FIVE PER CENT INCREASE IN COMBINED
43 CITY-HIGHWAY FUEL ECONOMY IN ACCORDANCE WITH 23 UNITED STATES CODE SECTION
44 166, A PERSON MAY DRIVE A MOTOR VEHICLE WITH A LOW EMISSION AND ENERGY

1 EFFICIENT VEHICLE SPECIAL PLATE IN HIGH OCCUPANCY VEHICLE LANES AT ANY TIME,
2 REGARDLESS OF OCCUPANCY LEVEL, WITHOUT PENALTY.

3 E. A PERSON SHALL NOT DRIVE A MOTOR VEHICLE IN A HIGH OCCUPANCY
4 VEHICLE LANE WITH A LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE
5 IF THE MOTOR VEHICLE IS NOT A LOW EMISSION AND ENERGY EFFICIENT VEHICLE FOR
6 WHICH A LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE HAS BEEN
7 ISSUED PURSUANT TO THIS SECTION. A PERSON WHO VIOLATES THIS SUBSECTION IS
8 SUBJECT TO A CIVIL PENALTY OF THREE HUNDRED FIFTY DOLLARS. NOTWITHSTANDING
9 SECTION 28-1554, THE CIVIL PENALTY COLLECTED PURSUANT TO THIS SUBSECTION
10 SHALL BE DEPOSITED IN THE STATE GENERAL FUND.

11 F. FOR THE PURPOSES OF SECTION 28-337, THE DEPARTMENT SHALL:

12 1. LIMIT OR SUSPEND THE ISSUANCE OF LOW EMISSION AND ENERGY EFFICIENT
13 VEHICLE SPECIAL PLATES.

14 2. REMOVE THE PRIVILEGE OF OPERATING IN THE HIGH OCCUPANCY VEHICLE
15 LANE WITH A SINGLE OCCUPANT, INCLUDING THE DRIVER.

16 Sec. 32. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
17 amended by adding sections 28-2433 and 28-2434, to read:

18 28-2433. Arizona professional football club special plates: fund

19 A. IF, BY DECEMBER 31, 2009, A CHARITABLE ORGANIZATION AFFILIATED WITH
20 AN ARIZONA PROFESSIONAL FOOTBALL CLUB DONATES THIRTY-TWO THOUSAND DOLLARS TO
21 THE DEPARTMENT FOR THE IMPLEMENTATION OF AN ARIZONA PROFESSIONAL FOOTBALL
22 CLUB SPECIAL PLATE, THE DEPARTMENT SHALL ISSUE THE ARIZONA PROFESSIONAL
23 FOOTBALL CLUB SPECIAL PLATES. THE ENTITY THAT PROVIDES THE THIRTY-TWO
24 THOUSAND DOLLARS FOR THE IMPLEMENTATION OF THE ARIZONA PROFESSIONAL FOOTBALL
25 CLUB SPECIAL PLATES SHALL DESIGN THE ARIZONA PROFESSIONAL FOOTBALL CLUB
26 SPECIAL PLATES. THE DESIGN AND COLOR OF THE ARIZONA PROFESSIONAL FOOTBALL
27 CLUB SPECIAL PLATES ARE SUBJECT TO THE APPROVAL OF THE DEPARTMENT. THE
28 DIRECTOR MAY ALLOW A REQUEST FOR ARIZONA PROFESSIONAL FOOTBALL CLUB SPECIAL
29 PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES. IF THE
30 DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE IN A FORM PRESCRIBED
31 BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL
32 PLATES IN ADDITION TO THE FEES REQUIRED FOR ARIZONA PROFESSIONAL FOOTBALL
33 CLUB SPECIAL PLATES.

34 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE
35 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A
36 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

37 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
38 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
39 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
40 SECTION IN THE ARIZONA PROFESSIONAL FOOTBALL CLUB SPECIAL PLATE FUND
41 ESTABLISHED BY SUBSECTION D OF THIS SECTION.

42 D. THE ARIZONA PROFESSIONAL FOOTBALL CLUB SPECIAL PLATE FUND IS
43 ESTABLISHED CONSISTING OF MONIES RECEIVED PURSUANT TO THIS SECTION. THE
44 DIRECTOR SHALL ADMINISTER THE FUND. THE FIRST THIRTY-TWO THOUSAND DOLLARS
45 RECEIVED SHALL BE REIMBURSED TO THE ENTITY THAT PAID THE IMPLEMENTATION FEE

TO THE DEPARTMENT PURSUANT TO SUBSECTION A OF THIS SECTION. NOT MORE THAN TEN PER CENT OF MONIES DEPOSITED IN THE FUND ANNUALLY SHALL BE USED FOR THE COST OF ADMINISTERING THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. THE DIRECTOR SHALL ALLOCATE MONIES FROM THE FUND THROUGH A PRIVATE ARIZONA PROFESSIONAL FOOTBALL ORGANIZATION'S FOUNDATION THAT IS QUALIFIED UNDER SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES. THE DIRECTOR SHALL FORWARD ALL MONIES DEPOSITED IN THE ARIZONA PROFESSIONAL FOOTBALL CLUB SPECIAL PLATE FUND, EXCLUDING ADMINISTRATIVE FEES, TO THE FOUNDATION ON AN ANNUAL BASIS.

E. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

28-2434. Emergency medical services special plates

A. IF, BY DECEMBER 31, 2014, A NONPROFIT CORPORATION IN THIS STATE THAT IS QUALIFIED UNDER SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES PAYS THIRTY-TWO THOUSAND DOLLARS TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL ISSUE EMERGENCY MEDICAL SERVICES SPECIAL PLATES. THE NONPROFIT CORPORATION THAT PROVIDES THE THIRTY-TWO THOUSAND DOLLARS FOR THE IMPLEMENTATION OF THE EMERGENCY MEDICAL SERVICES SPECIAL PLATES SHALL DESIGN THE EMERGENCY MEDICAL SERVICES SPECIAL PLATES. THE DESIGN AND COLOR OF THE EMERGENCY MEDICAL SERVICES SPECIAL PLATES ARE SUBJECT TO THE APPROVAL OF THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR EMERGENCY MEDICAL SERVICES SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR EMERGENCY MEDICAL SERVICES SPECIAL PLATES.

B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND ESTABLISHED BY SECTION 28-6991 AND SHALL DISTRIBUTE ALL DONATIONS COLLECTED PURSUANT TO THIS SECTION AS AUTHORIZED IN A WRITTEN RESOLUTION OF THE NONPROFIT CORPORATION THAT PROVIDED THE THIRTY-TWO THOUSAND DOLLARS FOR IMPLEMENTATION OF THIS SECTION. THE NONPROFIT CORPORATION SHALL FILE A COPY OF THIS RESOLUTION WITH THE DEPARTMENT. THE NONPROFIT CORPORATION MUST USE THE DONATIONS FOR PUBLIC PURPOSES RELATED TO EMERGENCY MEDICAL SERVICES.

Sec. 33. Section 28-2511, Arizona Revised Statutes, is amended to read:

28-2511. Official vehicles; registration exemption; definitions

A. A registration fee is not required for a vehicle owned by a foreign government, by a consul or any other official representative of a foreign government, by the United States, by a state or political subdivision of a

1 state, by an Indian tribal government, by a provider of ambulance, fire
2 fighting or rescue services that is used solely for the purpose of providing
3 emergency services or by a nonprofit organization that presents to the
4 department a form approved by the director of the division of emergency
5 management pursuant to section 26-318. The person who has custody of these
6 vehicles shall register them as required by this chapter and shall display
7 official license plates that bear distinguishing marks. The department shall
8 furnish the license plates free of charge. The department may issue regular
9 license plates without any distinguishing marks for vehicles that are exempt
10 from title 38, chapter 3, article 10 pursuant to section 38-538.03,
11 subsection B.

12 B. The director may issue license plates for vehicles owned by and
13 used in the line of duty by law enforcement agencies in other states and the
14 federal government without being registered as required by this chapter.

15 C. The director may enter into agreements or arrangements subject to
16 the approval of the attorney general of this state with the federal
17 government and with motor vehicle departments in other states to provide for
18 a reciprocal exchange of license plates for use on vehicles owned or operated
19 by law enforcement agencies for investigating actual or suspected violations
20 of law. License plates of other states obtained pursuant to this subsection
21 may be used on exempt vehicles of law enforcement agencies of this state or a
22 political subdivision of this state.

23 D. The director shall maintain a record of the license plates issued
24 pursuant to subsections B and C of this section. The director shall also
25 keep a record of the license plates received pursuant to subsection C of this
26 section, the regular license plates issued pursuant to subsection A of this
27 section and the vehicles to which the plates are attached. These records are
28 not open to public inspection except on demand of the attorney general.

29 E. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, any vehicle that
30 is registered pursuant to this section and that is EXCLUSIVELY powered by an
31 alternative fuel shall display an alternative fuel vehicle special plate
32 issued pursuant to section 28-2416. ~~except that~~ EXCEPT AS OTHERWISE
33 PROVIDED IN THIS SUBSECTION, ANY VEHICLE THAT IS REGISTERED PURSUANT TO THIS
34 SECTION AND THAT IS A LOW EMISSION AND ENERGY EFFICIENT VEHICLE AS DEFINED IN
35 SECTION 28-601 SHALL DISPLAY A LOW EMISSION AND ENERGY EFFICIENT VEHICLE
36 SPECIAL PLATE ISSUED PURSUANT TO SECTION 28-2416.01. The department may
37 issue regular license plates without any alternative fuel OR LOW EMISSION AND
38 ENERGY EFFICIENT distinguishing marks or regular alternative fuel vehicle
39 special plates OR LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATES
40 for vehicles that are exempt from title 38, chapter 3, article 10 pursuant to
41 section 38-538.03, subsection B. This subsection applies to all existing
42 vehicles that are registered pursuant to this section and all newly-acquired
43 vehicles that are registered pursuant to this section.

1 F. For the purposes of this section:

2 1. "Alternative fuel" has the same meaning prescribed in section
3 1-215.

4 2. "Ambulance" means a vehicle for which a certificate of registration
5 has been issued pursuant to section 36-2212.

6 Sec. 34. Section 28-3152, Arizona Revised Statutes, is amended to
7 read:

8 28-3152. Driver license; exemptions; limitation

9 A. Except as provided in subsection B, the following persons are
10 exempt from licensing under this chapter:

11 1. EXCEPT FOR UNITED STATES RESERVE TECHNICIANS, any of the following
12 while operating a commercial motor vehicle for military purposes:

13 (a) Active duty military personnel.

14 (b) Members of the United States military reserve forces.

15 (c) Members of the United States army national guard on active duty or
16 the United States air national guard on active duty, including:

17 (i) Personnel on full-time national guard active duty.

18 (ii) Personnel on part-time national guard training.

19 (d) United States army national guard and United States air national
20 guard military technicians who are civilians and who are required to wear
21 military uniforms.

22 (e) Active duty United States coast guard personnel.

23 ~~This paragraph does not apply to United States reserve technicians.~~

24 2. A person while driving or operating a farm tractor or implement of
25 husbandry that is temporarily INCIDENTALLY operated or moved on a highway.

26 3. A person who is a nonresident, who is at least sixteen years of age
27 and who has in the person's immediate possession a valid driver license
28 issued to the person in the person's home state or country while the person
29 is operating a motor vehicle requiring a class D license.

30 4. A person who is a nonresident, who is at least eighteen years of
31 age and who has in the person's immediate possession a valid commercial
32 driver license or classified license that is issued to the person in the
33 person's home state or country and that authorizes operation of a commercial
34 motor vehicle while the person is operating a motor vehicle requiring a class
35 A, B or C license in this state, except that the person must be licensed
36 under this chapter before accepting employment from a resident of this state
37 involving the operation of a motor vehicle requiring a class A, B or C
38 license.

39 5. A person who is a nonresident, who is at least eighteen years of
40 age and whose home state or country does not require the licensing of
41 operators while the person operates a motor vehicle requiring a class D
42 license for a period of not more than ninety days in a calendar year, if the
43 motor vehicle that the person is operating is duly registered in the home
44 state or country of the nonresident.

1 6. A person who has in the person's immediate possession a valid
2 driver license issued to the person by another state or country while the
3 person is operating a motor vehicle requiring a class D license, who is an
4 employee, agent or consultant of an organization that operates in this state
5 and at least one other state or country, who is principally domiciled or
6 employed in another state or country and who is present in this state not
7 more than ninety consecutive days.

8 B. A person who is a resident of a foreign country and who operates a
9 commercial vehicle in this state shall obtain a commercial driver license of
10 the proper class that is issued by this state or another state, if the
11 foreign country does not grant reciprocal driver license privileges to
12 operators of commercial vehicles who are residents of this state.

13 Sec. 35. Section 28-3312, Arizona Revised Statutes, is amended to
14 read:

15 28-3312. Mandatory disqualification of commercial driver
16 licenses; definition

17 A. The department shall disqualify a person required to have a
18 commercial driver license or a commercial driver license holder from driving
19 a commercial motor vehicle as follows:

20 1. Except as provided in subsection E of this section and except as
21 otherwise provided in this subsection, for at least one year if a person:

22 (a) Refuses a test in violation of section 28-1321.

23 (b) Is convicted of a first violation of any of the following:

24 (i) Driving a commercial motor vehicle under the influence of
25 intoxicating liquor or a controlled substance or while having an alcohol
26 concentration of 0.04 or more.

27 (ii) Leaving the scene of an accident involving a motor vehicle driven
28 by the person.

29 (iii) Using a motor vehicle in the commission of a felony.

30 (iv) A violation of chapter 4, article 3 of this title while operating
31 a noncommercial motor vehicle.

32 (v) Driving a commercial motor vehicle while, as a result of prior
33 violations of this title committed while operating a commercial motor
34 vehicle, the person's commercial driver license is revoked, suspended or
35 canceled or the person is disqualified from operating a commercial motor
36 vehicle.

37 (vi) Causing a fatality through the negligent operation of a
38 commercial motor vehicle, including a conviction of manslaughter, homicide or
39 negligent homicide resulting from operation of a motor vehicle.

40 2. For at least three years, if the person is convicted of any of the
41 violations prescribed in paragraph 1 of this subsection and the violation
42 occurred while the person was transporting a hazardous material in the
43 quantity and under the circumstances that require placarding of the transport
44 vehicle under the department's safety rules pursuant to chapter 14 of this
45 title.

1 3. For the life of the person, if the person is convicted of two or
2 more violations of any of the offenses prescribed in paragraph 1 of this
3 subsection or of any combination of those offenses arising from two or more
4 separate incidents. The department shall consider only offenses committed
5 from and after December 31, 1989 in applying this paragraph.

6 4. Permanently if the person is convicted of using any motor vehicle
7 in the commission of a felony involving the manufacture, distribution or
8 dispensing of a controlled substance or possession with intent to
9 manufacture, distribute or dispense a controlled substance.

10 5. For at least sixty consecutive days, if the person is convicted of
11 two serious traffic violations committed in a motor vehicle arising from
12 separate incidents occurring within a three year period from the date of the
13 violation.

14 6. For at least one hundred twenty days served in addition to any
15 other disqualification, if the person is convicted of a third or subsequent
16 serious traffic violation committed in a motor vehicle arising from separate
17 incidents occurring within a three year period from the date of the
18 violation.

19 B. Except as provided in subsection C of this section, a person
20 required to have a commercial driver license or a commercial driver license
21 holder who is found responsible for violating an out-of-service order
22 pursuant to section 28-5241 is disqualified from driving a commercial motor
23 vehicle as follows:

24 1. For a period of ~~ninety~~ ONE HUNDRED EIGHTY days if the person is
25 found responsible for a first violation of an out-of-service order.

26 2. For a period of ~~one-year~~ TWO YEARS if the person is found
27 responsible for a second violation of any out-of-service order during any ten
28 year period arising from separate incidents.

29 3. For a period of three years if the person is found responsible for
30 a third or subsequent violation of any out-of-service order during any ten
31 year period arising from separate incidents.

32 C. A person required to have a commercial driver license or a
33 commercial driver license holder who is found responsible for violating an
34 out-of-service order pursuant to section 28-5241 while transporting hazardous
35 materials or while operating a commercial motor vehicle designed or used to
36 transport sixteen or more passengers, including the driver, is disqualified
37 from driving a commercial motor vehicle as follows:

38 1. For a period of one hundred eighty days if the person is found
39 responsible for a first violation of an out-of-service order.

40 2. For a period of three years if the person is found responsible for
41 a second or subsequent violation of any out-of-service order during any ten
42 year period arising from separate incidents.

43 D. A person required to have a commercial driver license or a
44 commercial driver license holder who is convicted of or found responsible for
45 violating any federal, state or local railroad grade crossing law, ordinance

1 or regulation is disqualified from driving a commercial motor vehicle as
2 follows:

3 1. For a period of sixty days if a person is convicted of or found
4 responsible for a first violation.

5 2. For a period of one hundred twenty days if a person is convicted of
6 or found responsible for a second violation during any three year period.

7 3. For a period of one year if a person is convicted of or found
8 responsible for a third or subsequent violation during any three year period.

9 E. If a federal agency determines that a commercial motor vehicle
10 licensee is driving in a manner that constitutes an imminent hazard, the
11 department, on receipt of notification by the federal government, shall
12 disqualify the driver for a period not to exceed one year. The
13 disqualification shall run concurrently with any other disqualification
14 imposed on the driver. For the purposes of this subsection, "imminent
15 hazard" means the existence of a condition that presents a substantial
16 likelihood that death, serious illness, severe personal injury or a
17 substantial endangerment to health, property or the environment may occur
18 before the reasonably foreseeable completion date of a formal proceeding to
19 decrease the risk of death, illness, injury or endangerment.

20 F. The department shall keep records of findings of responsibility for
21 a civil traffic violation and of conviction of any moving criminal traffic
22 violation for a commercial driver licensee for violations in any type of
23 motor vehicle and for a person required to have a commercial driver license
24 if the violations arise from the operation of a commercial motor vehicle.
25 The department shall make the records available to other states, the United
26 States secretary of transportation, the driver and any motor carrier or
27 prospective motor carrier or the motor carrier's designated agent within ten
28 days after receiving notice A REPORT of a conviction OR FINDING OF
29 RESPONSIBILITY in this state or receipt of a notice REPORT of a conviction OR
30 FINDING OF RESPONSIBILITY or disqualification received from another state.

31 G. Disqualification for a serious traffic violation committed by a
32 commercial driver license holder while operating a noncommercial motor
33 vehicle applies only if the conviction results in the revocation,
34 cancellation or suspension of the person's commercial driver license or
35 noncommercial driver license.

36 H. The department may adopt rules establishing guidelines and
37 conditions under which the department may reduce a disqualification for life
38 pursuant to subsection A, paragraph 3 of this section to a disqualification
39 of at least ten years. If a person's disqualification is reduced pursuant to
40 rules adopted pursuant to this subsection and the person is subsequently
41 convicted of a violation described in subsection A, paragraph 1 of this
42 section, the person is permanently disqualified from driving a commercial
43 vehicle and is not eligible to apply for a reduction of the disqualification
44 pursuant to rules adopted pursuant to this subsection.

1 I. Except as provided in subsection E of this section, the beginning
2 date of the disqualification shall be the date the department receives the
3 report of conviction or finding of responsibility.

4 J. For the purposes of this section, "serious traffic violation" means
5 a conviction or finding of responsibility for any of the following:

6 1. Excessive speeding involving a single offense for a speed of
7 fifteen miles per hour or more above the posted speed limit.

8 2. Reckless driving as provided by section 28-693.

9 3. Aggressive driving as provided by section 28-695.

10 4. Racing as defined in section 28-708.

11 5. Improper or erratic traffic lane changes as provided by section
12 28-729.

13 6. Following the vehicle ahead too closely as provided by section
14 28-730.

15 7. A violation of this title that is connected with a fatal traffic
16 accident.

17 8. Driving a commercial motor vehicle if the person has not been
18 issued a valid commercial driver license pursuant to this chapter.

19 9. Driving a commercial motor vehicle without a commercial driver
20 license in the person's possession.

21 10. Driving a commercial motor vehicle without having a valid
22 endorsement for the type of commercial motor vehicle or motor vehicle
23 combination being operated.

24 Sec. 36. Section 28-3392, Arizona Revised Statutes, is amended to
25 read:

26 28-3392. Defensive driving school: eligibility

27 A. A court:

28 1. Shall allow an individual who is issued a citation for a civil
29 traffic moving violation pursuant to chapter 3, articles 2, 3, 4 and 6
30 through 15 of this title or a local civil traffic ordinance relating to the
31 same subject matter to attend a defensive driving school for the purposes
32 provided in this article.

33 2. Except as prescribed in subsection C of this section, may allow an
34 individual who is issued a citation for a violation of section 28-701.02 to
35 attend a defensive driving school.

36 B. A person who attends a defensive driving school pursuant to this
37 article is not eligible to attend a defensive driving school again within
38 twenty-four months from the day of the last violation for which the person
39 was authorized by this article to attend a defensive driving school.

40 C. Notwithstanding subsection A of this section:

41 1. An individual who commits a civil or criminal traffic violation
42 resulting in death or serious physical injury is not eligible to attend a
43 defensive driving school, except that the court may order the individual to
44 attend a defensive driving school in addition to another sentence imposed by
45 the court on an adjudication or admission of the traffic violation.

2. If a commercial driver license holder OR A DRIVER OF A COMMERCIAL MOTOR VEHICLE THAT REQUIRES A COMMERCIAL DRIVER LICENSE is found guilty or responsible for a moving violation, the court may require the violator to attend defensive driving school as an element of sentence, but may not dismiss the conviction or finding of responsibility and shall report the conviction or finding of responsibility to the department as prescribed in section 28-1559. A commercial driver license holder OR A DRIVER OF A COMMERCIAL MOTOR VEHICLE THAT REQUIRES A COMMERCIAL DRIVER LICENSE is not eligible for the defensive driving diversion program.

Sec. 37. Section 28-3511, Arizona Revised Statutes, is amended to read:

28-3511. Removal and immobilization or impoundment of vehicle

A. A peace officer shall cause the removal and either immobilization or impoundment of a vehicle if the peace officer determines that a person is driving the vehicle while ~~either~~ ANY of the following applies:

1. The person's driving privilege is suspended or revoked for any reason.

2. The person has not ever been issued a valid driver license or permit by this state and the person does not produce evidence of ever having a valid driver license or permit issued by another jurisdiction. THIS PARAGRAPH DOES NOT APPLY TO THE OPERATION OF AN IMPLEMENT OF HUSBANDRY.

3. The person is subject to an ignition interlock device requirement pursuant to chapter 4 of this title and the person is operating a vehicle without a functioning certified ignition interlock device. This paragraph does not apply to a person operating an employer's vehicle or the operation of a vehicle due to a substantial emergency as defined in section 28-1464.

B. A peace officer shall cause the removal and impoundment of a vehicle if the peace officer determines that a person is driving the vehicle and if all of the following apply:

1. The person's driving privilege is canceled, suspended or revoked for any reason or the person has not ever been issued a driver license or permit by this state and the person does not produce evidence of ever having a driver license or permit issued by another jurisdiction.

2. The person is not in compliance with the financial responsibility requirements of chapter 9, article 4 of this title.

3. The person is driving a vehicle that is involved in an accident that results in either property damage or injury to or death of another person.

C. Except as provided in subsection D of this section, while a peace officer has control of the vehicle the peace officer shall cause the removal and either immobilization or impoundment of the vehicle if the peace officer has probable cause to arrest the driver of the vehicle for a violation of section 4-244, paragraph 33 or section 28-1382 or 28-1383.

1 D. A peace officer shall not cause the removal and either the
2 immobilization or impoundment of a vehicle pursuant to subsection C of this
3 section if all of the following apply:

4 1. The peace officer determines that the vehicle is currently
5 registered and that the driver or the vehicle is in compliance with the
6 financial responsibility requirements of chapter 9, article 4 of this title.

7 2. The spouse of the driver is with the driver at the time of the
8 arrest.

9 3. The peace officer has reasonable grounds to believe that the spouse
10 of the driver:

11 (a) Has a valid driver license.

12 (b) Is not impaired by intoxicating liquor, any drug, a vapor
13 releasing substance containing a toxic substance or any combination of
14 liquor, drugs or vapor releasing substances.

15 (c) Does not have any spirituous liquor in the spouse's body if the
16 spouse is under twenty-one years of age.

17 4. The spouse notifies the peace officer that the spouse will drive
18 the vehicle from the place of arrest to the driver's home or other place of
19 safety.

20 5. The spouse drives the vehicle as prescribed by paragraph 4 of this
21 subsection.

22 E. Except as otherwise provided in this article, a vehicle that is
23 removed and either immobilized or impounded pursuant to subsection A, B or C
24 of this section shall be immobilized or impounded for thirty days. An
25 insurance company does not have a duty to pay any benefits for charges or
26 fees for immobilization or impoundment.

27 F. The owner of a vehicle that is removed and either immobilized or
28 impounded pursuant to subsection A, B or C of this section, the spouse of the
29 owner and each person identified on the department's record with an interest
30 in the vehicle shall be provided with an opportunity for an immobilization or
31 poststorage hearing pursuant to section 28-3514.

32 Sec. 38. Section 28-4541, Arizona Revised Statutes, is amended to
33 read:

34 28-4541. Continuation date; delinquent fee due from
35 manufacturer; penalty

36 A. IN ORDER TO DISTRIBUTE THE CONTINUATION WORKLOAD AS UNIFORMLY AS
37 PRACTICABLE THROUGHOUT THE TWELVE MONTHS OF THE CALENDAR YEAR, THE DIRECTOR
38 MAY PROVIDE FOR STAGGERED CONTINUATION DATES FOR THE RIGHT TO USE A
39 MANUFACTURER LICENSE PLATE. IN ORDER TO INITIATE A STAGGERED CONTINUATION
40 SYSTEM, THE DIRECTOR MAY INITIALLY PROVIDE OR CONTINUE THE RIGHT FOR MORE OR
41 LESS THAN A TWELVE MONTH PERIOD, BUT NOT MORE THAN EIGHTEEN MONTHS, AND MAY
42 PRORATE THE FEES.

43 B. If a manufacturer fails, neglects or refuses to file an application
44 for renewal and pay the required fee for the ensuing year on or before
45 midnight of ~~December 1 of each year~~ ON THE CONTINUATION DATE, the fee is

1 delinquent, and the department shall charge and collect a penalty equal to
2 the fee if the manufacturer files an application for renewal after ~~December 1~~
3 THE CONTINUATION DATE.

4 Sec. 39. Section 28-5001, Arizona Revised Statutes, is amended to
5 read:

6 28-5001. Definition of title service company

7 In this chapter, unless the context otherwise requires, "title service
8 company" means a person, other than a licensed motor vehicle dealer, who for
9 a fee issues temporary registration plates or prepares ~~and~~ OR submits to the
10 director applications for registration of, and certificates of title to,
11 motor vehicles AND MAY PREPARE OR SUBMIT TO THE DIRECTOR FUEL TAX REPORTS ON
12 BEHALF OF LICENSED MOTOR CARRIERS.

13 Sec. 40. Section 28-5241, Arizona Revised Statutes, is amended to
14 read:

15 28-5241. Out-of-service orders; violation; civil penalty;
16 definition

17 A. A motor carrier shall not require or permit a driver:

18 1. To operate a commercial motor vehicle that is subject to an
19 out-of-service order until all repairs required by the out-of-service order
20 have been satisfactorily completed.

21 2. Who is subject to an out-of-service order to operate a commercial
22 motor vehicle until the reason for the out-of-service order has been
23 remedied.

24 B. A driver:

25 1. Shall not operate a commercial motor vehicle that is subject to an
26 out-of-service order until all repairs required by the out-of-service order
27 have been satisfactorily completed.

28 2. Who is subject to an out-of-service order shall not operate a
29 commercial motor vehicle until the reason for the out-of-service order has
30 been remedied.

31 C. Notwithstanding section 28-5240, a violation of this section is a
32 civil traffic violation.

33 D. The court shall impose:

34 1. ON A DRIVER WHO VIOLATES OR FAILS TO COMPLY WITH AN OUT-OF-SERVICE
35 ORDER a civil penalty of:

36 (a) At least ~~one~~ TWO thousand ~~one~~ FIVE hundred dollars ~~and not more~~
37 ~~than two thousand seven hundred fifty dollars on a driver who violates or~~
38 ~~fails to comply with an out of service order~~ FOR AN INITIAL VIOLATION OR
39 FAILURE.

40 (b) FIVE THOUSAND DOLLARS FOR A SUBSEQUENT VIOLATION OR FAILURE.

41 2. A civil penalty of at least two thousand seven hundred fifty
42 dollars and not more than ~~eleven~~ TWENTY-FIVE thousand dollars on a motor
43 carrier who violates an out-of-service order or who requires or permits a
44 driver to violate or fail to comply with an out-of-service order.

1 E. In addition to other penalties prescribed by this chapter, if a
2 motor carrier or driver is found responsible for a violation of this section,
3 the motor carrier or driver is subject to disqualification pursuant to
4 section 28-3312.

5 F. For the purposes of this section, "out-of-service order" means a
6 declaration by a specialty officer of the department or a law enforcement
7 officer authorized pursuant to section 28-5204 that a driver, motor vehicle
8 or motor carrier is out of service pursuant to this chapter.

9 Sec. 41. Section 28-5432, Arizona Revised Statutes, is amended to
10 read:

11 28-5432. Gross weight fees; application; exceptions

12 A. This article applies to all of the following:

13 1. A trailer or semitrailer with a gross weight of ten thousand pounds
14 or less AND THAT IS USED IN THE FURTHERANCE OF A COMMERCIAL ENTERPRISE.

15 2. A motor vehicle or vehicle combination if the motor vehicle or
16 vehicle combination is designed, used or maintained primarily for the
17 transportation of passengers for compensation or for the transportation of
18 property.

19 3. A hearse, an ambulance or any other vehicle that is used by a
20 mortician in the conduct of the mortician's business.

21 4. A commercial motor vehicle as defined in section 28-5201.

22 B. This article does not apply to:

23 1. A vehicle commonly referred to as a station wagon or to a vehicle
24 commonly known as and referred to by the manufacturer's rating as a
25 three-quarter ton or less pickup truck or three-quarter ton or less van
26 unless such a vehicle is maintained and operated more than one thousand hours
27 in a vehicle registration year for the transportation of passengers or
28 property in the furtherance of a commercial enterprise. An applicant
29 requesting title or registration of a motor vehicle in the name of a
30 commercial enterprise shall pay the fees imposed by this article unless the
31 applicant certifies on the application that the vehicle will not be
32 maintained and operated in the furtherance of a commercial enterprise.

33 2. A trailer or semitrailer with a declared gross weight of ~~less than~~
34 ~~six~~ TEN thousand pounds OR LESS, if the trailer or semitrailer is not used in
35 the furtherance of a commercial enterprise AND THE APPLICANT CERTIFIES ON THE
36 APPLICATION THAT THE VEHICLE WILL NOT BE MAINTAINED AND OPERATED IN THE
37 FURTHERANCE OF A COMMERCIAL ENTERPRISE.

38 C. The following motor vehicles, trailers and semitrailers are exempt
39 from the gross weight fee prescribed in section 28-5433:

40 1. A motor vehicle, trailer or semitrailer that is owned and operated
41 by a religious institution and that is used exclusively for the
42 transportation of property produced and distributed for charitable purposes
43 without compensation. For the purposes of this paragraph, "religious
44 institution" means a recognized organization that has an established place of
45 meeting for religious worship and that holds regular meetings for that

1 purpose at least once each week in at least five cities or towns in this
2 state.

3 2. A motor vehicle, trailer or semitrailer that is owned and operated
4 by a nonprofit school that is recognized as being tax exempt by the federal
5 or state government if the motor vehicle, trailer or semitrailer is used
6 exclusively for any of the following:

7 (a) The transportation of pupils in connection with the school
8 curriculum.

9 (b) The training of pupils.

10 (c) The transportation of property for charitable purposes without
11 compensation.

12 3. A motor vehicle, trailer or semitrailer that is owned by a
13 nonprofit organization in this state that presents to the department a form
14 approved by the director of the division of emergency management pursuant to
15 section 26-318.

16 4. A vehicle that is owned and operated only for government purposes
17 by a foreign government, a consul or any other official representative of a
18 foreign government, by the United States, by a state or political subdivision
19 of a state or by an Indian tribal government.

20 5. A motor vehicle that is privately owned and operated exclusively as
21 a school bus pursuant to a contract with a school district. If a privately
22 owned and operated school bus is temporarily operated for purposes other than
23 those prescribed in the definition of school bus in section 28-101, the
24 registering officer shall assess and collect a monthly gross weight fee equal
25 to one-tenth of the annual gross weight fee prescribed by section 28-5433 for
26 each calendar month that the motor vehicle is so operated in this state. The
27 registering officer shall not apportion the gross weight fee for a fraction
28 of a calendar month.

29 Sec. 42. Section 28-5736, Arizona Revised Statutes, is amended to
30 read:

31 28-5736. Bond requirement

32 A. The director may require ~~a surety bond if an interstate user does~~
33 ~~not file tax reports or remit taxes or if the director determines that the~~
34 ~~interests of this state or of member jurisdictions of the international fuel~~
35 ~~tax agreement are in jeopardy~~ OR APPLICANT TO POST A SURETY OR CASH BOND IF
36 ONE OR MORE OF THE FOLLOWING APPLY:

37 1. THE INTERSTATE USER FAILS TO FILE TAX REPORTS TIMELY OR TO REMIT
38 TAXES TIMELY.

39 2. THE DIRECTOR DETERMINES THAT THE INTERESTS OF THIS STATE OR MEMBER
40 JURISDICTIONS ARE IN JEOPARDY.

41 3. THE APPLICANT IS NOT BASED IN A JURISDICTION THAT IS A MEMBER OF
42 THE INTERNATIONAL FUEL TAX AGREEMENT.

43 4. THE APPLICANT DOES NOT HAVE A GOOD STANDING STATUS FROM ANOTHER
44 MEMBER JURISDICTION AS A RESULT OF A PREVIOUS LICENSE.

1 5. THE APPLICANT DOES NOT HAVE HISTORY AS A MOTOR CARRIER IN THIS
2 STATE OR ANY OTHER MEMBER JURISDICTION.
3 B. If required, the surety OR CASH bond:
4 1. Shall indicate that the interstate user is the principal obligor
5 and the state is the obligee.
6 2. Shall be conditioned on the interstate user faithfully complying
7 with this article and the prompt filing of true reports and payment by the
8 interstate user of all use fuel taxes and fees due or accrued under this
9 article, together with all penalties and interest on the taxes and fees.
10 3. ~~Shall not be more than two times the quarterly tax liability of the~~
11 ~~interstate user as determined by the director~~ BE IN AN AMOUNT THAT IS
12 PRESCRIBED BY THE DIRECTOR AND THAT DOES NOT EXCEED ONE HUNDRED THOUSAND
13 DOLLARS.
14 Sec. 43. Section 28-5801, Arizona Revised Statutes, is amended to
15 read:
16 28-5801. Vehicle license tax rate
17 A. At the time of application for and before registration each year of
18 a vehicle, the registering officer shall collect the vehicle license tax
19 imposed by article IX, section 11, Constitution of Arizona. On the
20 taxpayer's vehicle license tax bill, the registering officer shall provide
21 the taxpayer with the following:
22 1. Information showing the amount of the vehicle license tax that each
23 category of recipient will receive and the amount that is owed by the
24 taxpayer.
25 2. The amount of vehicle license tax the taxpayer would pay pursuant
26 to section 28-5805 if the taxpayer's motor vehicle was powered by alternative
27 fuel.
28 B. Except as provided in subsections C and D of this section:
29 1. During the first twelve months of the life of a vehicle as
30 determined by its initial registration, the vehicle license tax is based on
31 each one hundred dollars in value, the value of the vehicle is sixty per cent
32 of the manufacturer's base retail price of the vehicle and the vehicle
33 license tax rate for each of the recipients is as follows:
34 (a) The rate for the Arizona highway user revenue fund is one dollar
35 twenty-six cents.
36 (b) The rate for the county general fund is sixty-nine cents.
37 (c) The rate for counties for the same use as highway user revenue
38 fund monies is sixteen cents.
39 (d) The rate for incorporated cities and towns is sixty-nine cents.
40 2. During each succeeding twelve month period, the vehicle license tax
41 is based on each one hundred dollars in value, the value of the vehicle is
42 16.25 per cent less than the value for the preceding twelve month period and
43 the vehicle license tax rate for each of the recipients is as follows:
44 (a) The rate for the Arizona highway user revenue fund is one dollar
45 thirty cents.

1 (b) The rate for the county general fund is seventy-one cents.

2 (c) The rate for counties for the same use as highway user revenue
3 fund monies is seventeen cents.

4 (d) The rate for incorporated cities and towns is seventy-one cents.

5 3. The minimum amount of the vehicle license tax computed under this
6 section is ten dollars per year for each vehicle that is subject to the tax.
7 If the product of all of the rates prescribed in paragraph 1 or 2 of this
8 subsection is less than ten dollars, the vehicle license tax is ten dollars.
9 The vehicle license tax collected pursuant to this paragraph shall be
10 distributed to the recipients prescribed in this subsection based on the
11 percentage of each recipient's rate to the sum of all of the rates.

12 C. The vehicle license tax is as follows for noncommercial trailers
13 that are not travel trailers and that are ~~less than six~~ TEN thousand pounds
14 OR LESS gross vehicle weight:

15 1. On initial registration, a one-time vehicle license tax of one
16 hundred five dollars.

17 2. On renewal of registration, a one-time vehicle license tax of
18 seventy dollars.

19 D. The vehicle license tax is as follows for a trailer or semitrailer
20 that IS NOT A TRAVEL TRAILER AND THAT exceeds ten thousand pounds gross
21 vehicle weight:

22 1. On initial registration, a one-time vehicle license tax of five
23 hundred fifty-five dollars.

24 2. On renewal of registration or if previously registered in another
25 state, a one-time vehicle license tax of:

26 (a) If the trailer's or semitrailer's model year is less than six
27 years old, three hundred fifty-five dollars.

28 (b) If the trailer's or semitrailer's model year is at least six years
29 old, one hundred dollars.

30 E. The vehicle license tax collected pursuant to subsection C or D of
31 this section shall be distributed to the recipients prescribed in
32 subsection B of this section based on the percentage of each recipient's rate
33 to the sum of all of the rates.

34 F. For the purposes of subsection C AND D of this section, "travel
35 trailer" has the same meaning prescribed in section 28-2003.

36 Sec. 44. Section 28-6501, Arizona Revised Statutes, is amended to
37 read:

38 28-6501. Definition of highway user revenues

39 In this article, unless the context otherwise requires or except as
40 otherwise provided by statute, "highway user revenues" means all monies
41 received in this state from licenses, taxes, penalties, interest and fees
42 authorized by the following:

43 1. Chapters 2, 7, 8 and 15 of this title, except for:

44 (a) The special plate administration fees prescribed in sections
45 28-2404, 28-2412 through ~~28-2432~~ 28-2434 and 28-2514.

1 (b) The donations prescribed in sections 28-2404, 28-2412 through
2 28-2415, 28-2417 through ~~28-2432~~ 28-2434, 28-2453, 28-2454 and 28-2455.

3 2. Section 28-1177.

4 3. Chapters 10 and 11 of this title.

5 4. Chapter 16, articles 1, 2 and 4 of this title, except as provided
6 in sections 28-5926 and 28-5927.

7 Sec. 45. Section 28-6991, Arizona Revised Statutes, is amended to
8 read:

9 28-6991. State highway fund: sources

10 A state highway fund is established that consists of:

11 1. Monies distributed from the Arizona highway user revenue fund
12 pursuant to chapter 18 of this title.

13 2. Monies appropriated by the legislature.

14 3. Monies received from donations for the construction, improvement or
15 maintenance of state highways or bridges. These monies shall be credited to
16 a special account and shall be spent only for the purpose indicated by the
17 donor.

18 4. Monies received from counties under cooperative agreements,
19 including proceeds from bond issues. The state treasurer shall deposit these
20 monies to the credit of the fund in a special account on delivery to the
21 treasurer of a concise written agreement between the department and the
22 county stating the purposes for which the monies are surrendered by the
23 county, and these monies shall be spent only as stated in the agreement.

24 5. Monies received from the United States under an act of Congress to
25 provide aid for the construction of rural post roads, but monies received on
26 projects for which the monies necessary to be provided by this state are
27 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
28 shall be allotted by the department and deposited by the state treasurer in
29 the special account within the fund established for each project. On
30 completion of the project, on the satisfaction and discharge in full of all
31 obligations of any kind created and on request of the department, the
32 treasurer shall transfer the unexpended balance in the special account for
33 the project into the state highway fund, and the unexpended balance and any
34 further federal aid thereafter received on account of the project may be
35 spent under the general provisions of this title.

36 6. Monies in the custody of an officer or agent of this state from any
37 source that is to be used for the construction, improvement or maintenance of
38 state highways or bridges.

39 7. Monies deposited in the state general fund and arising from the
40 disposal of state personal property belonging to the department.

41 8. Receipts from the sale or disposal of any or all other property
42 held by the department and purchased with state highway monies.

43 9. Monies generated pursuant to section 28-410.

44 10. Monies distributed pursuant to section 28-5808, subsection B,
45 paragraph 2, subdivision (d).

- 1 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.
- 2 12. Except as provided in section 28-5101, the following monies:
- 3 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
- 4 subsection B, paragraph 2, subdivision (e).
- 5 (b) One dollar of each registration fee and one dollar of each title
- 6 fee collected pursuant to section 28-2003.
- 7 (c) Two dollars of each late registration penalty collected by the
- 8 director pursuant to section 28-2162.
- 9 (d) The air quality compliance fee collected pursuant to section
- 10 49-542.
- 11 (e) The special plate administration fees collected pursuant to
- 12 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 THROUGH
- 13 ~~28-2432~~ 28-2434 and 28-2514.
- 14 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
- 15 if the director is the registering officer.
- 16 13. Monies deposited pursuant to chapter 5, article 5 of this title.
- 17 14. Donations received pursuant to section 28-2269.
- 18 15. Dealer and registration monies collected pursuant to section
- 19 28-4304.
- 20 16. Abandoned vehicle administration monies deposited pursuant to
- 21 section 28-4804.
- 22 17. Monies deposited pursuant to section 28-710, subsection D,
- 23 paragraph 2.
- 24 18. Monies deposited pursuant to section 28-2065.
- 25 19. Donations deposited pursuant to section 28-2430.
- 26 20. Monies deposited pursuant to section 28-7311.
- 27 21. MONIES DEPOSITED PURSUANT TO SECTION 28-7059.
- 28 Sec. 46. Section 28-6993, Arizona Revised Statutes, is amended to
- 29 read:
- 30 28-6993. State highway fund; authorized uses
- 31 A. Except as provided in subsection B of this section and section
- 32 28-6538, the state highway fund shall be used for any of the following
- 33 purposes in strict conformity with and subject to the budget as provided by
- 34 this section and by sections 28-6997 through 28-7003:
- 35 1. To pay salaries, wages, necessary travel expenses and other
- 36 expenses of officers and employees of the department and the incidental
- 37 office expenses, including telegraph, telephone, postal and express charges
- 38 and printing, stationery and advertising expenses.
- 39 2. To pay for both:
- 40 (a) Equipment, supplies, machines, tools, department offices and
- 41 laboratories established by the department.
- 42 (b) The construction and repair of buildings or yards of the
- 43 department.
- 44 3. To pay the cost of both:

- 1 (a) Engineering, construction, improvement and maintenance of state
2 highways and parts of highways forming state routes.
- 3 (b) Highways under cooperative agreements with the United States that
4 are entered into pursuant to this chapter and an act of Congress providing
5 for the construction of rural post roads.
- 6 4. To pay land damages incurred by reason of establishing, opening,
7 altering, relocating, widening or abandoning portions of a state route or
8 state highway.
- 9 5. To reimburse the department revolving account.
- 10 6. To pay premiums on authorized indemnity bonds and on compensation
11 insurance under the workers' compensation act.
- 12 7. To defray lawful expenses and costs required to administer and
13 carry out the intent, purposes and provisions of this title, including
14 repayment of obligations entered into pursuant to this title, payment of
15 interest on obligations entered into pursuant to this title, repayment of
16 loans and other financial assistance, including repayment of advances and
17 interest on advances made to the department pursuant to section 28-7677, and
18 payment of all other obligations and expenses of the board and department
19 pursuant to chapter 21 of this title.
- 20 8. To pay lawful bills and charges incurred by the state engineer.
- 21 9. To acquire, construct or improve entry roads to state parks or
22 roads within state parks.
- 23 10. To acquire, construct or improve entry roads to state prisons.
- 24 11. To pay the cost of relocating a utility facility pursuant to
25 section 28-7156.
- 26 12. For the purposes provided in subsections C, D and E of this section
27 and sections 28-1143, 28-2353 and 28-3003.
- 28 B. For each fiscal year, the department of transportation shall
29 allocate and transfer monies in the state highway fund to the department of
30 public safety for funding a portion of highway patrol costs in eight
31 installments in each of the first eight months of a fiscal year that do not
32 exceed ten million dollars.
- 33 C. Subject to legislative appropriation, the department may use the
34 monies in the state highway fund as prescribed in section 28-6991,
35 paragraph 12 to carry out the duties imposed by this title for registration
36 or titling of vehicles, to operate joint title, registration and driver
37 licensing offices, to cover the administrative costs of issuing the air
38 quality compliance sticker, modifying the year validating tab and issuing the
39 windshield sticker and to cover expenses and costs in issuing special plates
40 pursuant to sections 28-2404, 28-2412 through ~~28-2432~~ 28-2434 and 28-2514.
- 41 D. The department shall use monies deposited in the state highway fund
42 pursuant to chapter 5, article 5 of this title only as prescribed by that
43 article.
- 44 E. Monies deposited in the state highway fund pursuant to section
45 28-2269 shall be used only as prescribed by that section.

1 F. Monies deposited in the state highway fund pursuant to section
2 28-710, subsection D, paragraph 2 shall only be used for state highway work
3 zone traffic control devices.

4 G. The department may exchange monies distributed to the state highway
5 fund pursuant to section 28-6538, subsection A, paragraph 1 for local
6 government surface transportation program federal monies suballocated to
7 councils of government and metropolitan planning organizations if the local
8 government scheduled to receive the federal monies concurs. An exchange of
9 state highway fund monies pursuant to this subsection shall be in an amount
10 that is at least equal to ninety per cent of the federal obligation authority
11 that exists in the project for which the exchange is proposed.

12 Sec. 47. Repeal

13 Section 28-6994, Arizona Revised Statutes, is repealed.

14 Sec. 48. Section 28-7011, Arizona Revised Statutes, is amended to
15 read:

16 28-7011. Roads of regional significance congestion mitigation
17 account; program termination

18 A. The roads of regional significance congestion mitigation account is
19 established as a separate subaccount of the statewide transportation
20 acceleration needs account established by section 28-7009. The subaccount
21 may include:

22 1. Legislative appropriations.

23 2. Monies designated for deposit in the account by the transportation
24 board, a state agency or a political subdivision of this state.

25 3. Monies received from the United States government for the purpose
26 of transportation projects relating to congestion mitigation.

27 4. Monies received from an Indian tribe, this state, a state agency or
28 a political subdivision of this state for the purpose of transportation
29 projects relating to congestion mitigation.

30 5. Interest and other income received from investing monies in the
31 account.

32 6. Gifts, grants, donations or other amounts received from any public
33 source for deposit in the account for the purpose of transportation projects
34 relating to congestion mitigation.

35 B. On notice from the transportation board, the state treasurer shall
36 invest and divest monies, as provided by section 35-313, in the roads of
37 regional significance congestion mitigation account and monies earned from
38 investment shall be credited to the account.

39 C. The transportation board may establish any subaccount in the roads
40 of regional significance congestion mitigation account that the board
41 determines is necessary or appropriate to carry out the purposes of this
42 section.

43 D. When a governmental entity deposits monies in the roads of regional
44 significance congestion mitigation account for a specific project and the
45 transportation board approves the project, the board shall designate the

1 monies deposited by the governmental entity solely for the project for which
2 the monies are deposited.

3 E. Notwithstanding sections 28-6993 and 28-7009, and any other
4 agreements entered into by the department of transportation for the
5 distribution and expenditure of monies from the state highway fund, the
6 transportation board shall not approve any expenditures from the roads of
7 regional significance congestion mitigation account unless both:

8 1. The expenditure is made in accordance with this section and is for
9 the construction, design or planning of roads or bridges that are contained,
10 but not funded, in the transportation plan of a city, town or county.

11 2. The project receiving the monies is in a regional planning agency's
12 transportation improvement plan or a county transportation improvement plan.

13 F. To be eligible to receive monies from the account, the city, town
14 or county must identify the participating jurisdictions. Those jurisdictions
15 must include at least one of the following:

16 1. A county that has an average growth rate that exceeds the average
17 county growth rate in this state by at least fifty per cent in the last five
18 years.

19 2. A city or town that has an average growth rate that exceeds the
20 average city or town growth rate in this state by at least fifty per cent in
21 the last five years.

22 G. Each governmental entity that is awarded monies from the account
23 for a project shall enter into a memorandum of understanding with every other
24 governmental entity involved in the project that outlines each entity's
25 fiscal responsibility for the project. The memorandum of understanding shall
26 be entered into before the governmental entity receives funding to begin the
27 project.

28 H. A governmental entity that receives monies from the account
29 pursuant to this section shall reimburse the account the entire amount of the
30 monies received for a project as outlined in the memorandum of understanding.

31 I. NOTWITHSTANDING SUBSECTION J OF THIS SECTION, A CITY OR TOWN THAT
32 RECEIVES MONIES PURSUANT TO THIS SECTION MUST REIMBURSE THE STATEWIDE
33 TRANSPORTATION ACCELERATION NEEDS ACCOUNT WITHIN FIFTEEN YEARS AFTER
34 RECEIVING THE MONIES. THIS SUBSECTION APPLIES TO MONIES THAT THE CITY OR
35 TOWN RECEIVES BEFORE, ON AND AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO
36 THIS SECTION.

37 ~~I.~~ J. The program established by this section ends on July 1, 2012
38 pursuant to section 41-3102.

39 Sec. 49. Section 28-7045, Arizona Revised Statutes, is amended to
40 read:

41 28-7045. Director; state highway and route use; rules

42 The director shall:

43 ~~1. Adopt rules for closing state highways under construction or~~
44 ~~repair.~~

1 2- exercise complete and exclusive operational control and
2 jurisdiction over the use of state highways and routes and adopt rules
3 regarding the use as the director deems necessary to prevent the abuse and
4 unauthorized use of these highways and routes.

5 Sec. 50. Section 28-7058, Arizona Revised Statutes, is amended to
6 read:

7 28-7058. Privatization of rest areas; state certified rest area
8 program; rules; program termination; definitions

9 A. The department may:

10 1. Privatize any rest area constructed on or adjacent to state
11 highways in this state on or after ~~the effective date of this section~~
12 SEPTEMBER 26, 2008. Any agreement between the department and a person for
13 privatization under this section shall include a provision that:

14 1- (a) Prohibits the person from charging any fees for the use of a
15 lavatory.

16 2- (b) Requires the person to provide an adequate outdoor picnic area
17 to be available to the public at no charge.

18 2. ESTABLISH A STATE CERTIFIED REST AREA PROGRAM THAT MEETS THE
19 REQUIREMENTS ESTABLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION PURSUANT TO
20 PUBLIC LAW 109-59, SECTION 1310.

21 3. CONTRACT WITH A THIRD PARTY OR OTHER GOVERNMENT ENTITY TO CERTIFY
22 AND RECERTIFY REST AREAS FOR THE STATE CERTIFIED REST AREA PROGRAM.

23 B. THE DEPARTMENT SHALL ADOPT RULES TO IMPLEMENT AND OPERATE THE STATE
24 CERTIFIED REST AREA PROGRAM.

25 C. THE STATE CERTIFIED REST AREA PROGRAM ESTABLISHED PURSUANT TO THIS
26 SECTION ENDS ON JULY 1, 2019 PURSUANT TO SECTION 41-3102.

27 D. FOR THE PURPOSES OF THIS SECTION:

28 1. "POPULATION" MEANS THE POPULATION DETERMINED IN THE MOST RECENT
29 UNITED STATES DECENNIAL CENSUS OR IN THE MOST RECENT SPECIAL CENSUS AS
30 PROVIDED IN SECTION 28-6532.

31 2. "STATE CERTIFIED REST AREA" MEANS A PRIVATELY OWNED FACILITY THAT
32 IS BOTH OF THE FOLLOWING:

33 (a) CERTIFIED BY THIS STATE OR A THIRD PARTY TO MEET THE REQUIREMENTS
34 ESTABLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION PURSUANT TO PUBLIC LAW
35 109-59, SECTION 1310 AND AT A MINIMUM OFFERS ALL OF THE FOLLOWING:

36 (i) FUEL AND FOOD TO THE PUBLIC.

37 (ii) TWENTY-FOUR HOUR ACCESS TO RESTROOMS.

38 (iii) PARKING FOR AUTOMOBILES AND HEAVY TRUCKS.

39 (b) LOCATED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY AND OUTSIDE OF AN
40 URBANIZED AREA WITH A POPULATION OF ONE HUNDRED THOUSAND OR MORE PERSONS.

41 3. "URBANIZED AREA" MEANS AN URBANIZED AREA AS DEFINED IN THE
42 DECENNIAL CENSUS BY THE UNITED STATES BUREAU OF THE CENSUS.

1 Sec. 51. Title 28, chapter 20, article 5, Arizona Revised Statutes, is
2 amended by adding section 28-7059, to read:

3 28-7059. Rest area sponsorship sign program; rules; revenue
4 sharing agreement; program termination

5 A. THE DEPARTMENT MAY ESTABLISH A REST AREA SPONSORSHIP SIGN PROGRAM.
6 NOTWITHSTANDING SECTIONS 28-648, 28-7048 AND 28-7053, THE DEPARTMENT MAY
7 CONTRACT WITH A THIRD PARTY TO INSTALL, MAINTAIN AND REPLACE REST AREA
8 SPONSORSHIP SIGNS AT REST AREAS LOCATED IN THE PUBLIC RIGHT-OF-WAY OF THE
9 INTERSTATE OR STATE HIGHWAY SYSTEM. THE THIRD PARTY SHALL AGREE IN THE
10 CONTRACT TO LEASE SPONSOR RECOGNITION SPACE AND TO FURNISH, INSTALL, MAINTAIN
11 AND REPLACE SIGNS FOR THE BENEFIT OF BUSINESS OR ORGANIZATIONAL SPONSORS.

12 B. THE DEPARTMENT SHALL ADOPT RULES TO IMPLEMENT AND OPERATE THE REST
13 AREA SPONSORSHIP SIGN PROGRAM. COSTS INCURRED UNDER THE PROGRAM SHALL BE
14 PAID UNDER AGREEMENTS NEGOTIATED BETWEEN THE THIRD PARTY AND THE BUSINESS OR
15 ORGANIZATIONAL SPONSORS.

16 C. THE DEPARTMENT MAY ENTER INTO A REVENUE SHARING AGREEMENT WITH THE
17 THIRD PARTY. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
18 35-147, ALL MONIES RECEIVED FROM THE REVENUE SHARING AGREEMENT IN A
19 SUBACCOUNT OF THE STATE HIGHWAY FUND FOR THE PURPOSE OF REST AREA
20 MAINTENANCE, OPERATIONS AND REPAIRS.

21 D. THE REST AREA SPONSORSHIP SIGN PROGRAM ESTABLISHED PURSUANT TO THIS
22 SECTION ENDS ON JULY 1, 2019 PURSUANT TO SECTION 41-3102.

23 Sec. 52. Section 28-8202, Arizona Revised Statutes, is amended to
24 read:

25 28-8202. State aviation fund; report

26 A. A state aviation fund is established consisting of the following:

27 1. Aviation fuel taxes or motor vehicle fuel taxes deposited by the
28 department.

29 2. Monies deposited by the department as a result of the sale of an
30 abandoned aircraft as defined in section 28-8243 or seized aircraft.

31 3. The amount of flight property tax that the department of revenue
32 has deposited pursuant to section 42-14255.

33 4. Registration fees, license taxes and penalties collected pursuant
34 to article 4 of this chapter.

35 5. Monies received by the department from the operation of airports
36 under this article and articles 2 through 5 of this chapter.

37 B. On notice from the department, the state treasurer shall invest and
38 divest monies in the state aviation fund as provided by section 35-313, and
39 monies earned from investment shall be credited to the fund.

40 C. The department shall administer monies that are appropriated by the
41 legislature from the state aviation fund.

42 D. The board shall distribute monies appropriated to the department
43 from the state aviation fund for planning, design, development, acquisition
44 of interests in land, construction and improvement of publicly owned and
45 operated airport facilities in counties and incorporated cities and towns.

1 The board shall distribute these monies according to the needs for these
2 facilities as determined by the board. No more than ten per cent of the
3 ~~total aviation~~ AVERAGE ANNUAL REVENUE THAT THE fund RECEIVED FOR THE PAST
4 THREE YEARS may be awarded to any one airport in GRANTS IN any fiscal
5 year. For THE purposes of this subsection, "publicly owned and operated
6 airport facility" means an airport and appurtenant facilities in which one or
7 more agencies, departments or instrumentalities of this state or a city, town
8 or county of this state holds an interest in the land on which the airport is
9 located that is clear of any reversionary interest, lien, easement, lease or
10 other encumbrance that might preclude or interfere with the possession, use
11 or control of the land for public airport purposes for a minimum period of
12 twenty years.

13 Sec. 53. Section 34-603, Arizona Revised Statutes, is amended to read:

14 34-603. Procurement of professional services and
15 construction-manager-at-risk, design-build and
16 job-order-contracting construction services;
17 definition

18 A. Except for services an agent procures pursuant to section 34-103 or
19 34-604, an agent shall procure the following services pursuant to this
20 section:

- 21 1. Architect services.
- 22 2. Construction-manager-at-risk construction services.
- 23 3. Design-build construction services.
- 24 4. Engineer services.
- 25 5. Job-order-contracting construction services.
- 26 6. Landscape architect services.
- 27 7. Assayer services.
- 28 8. Geologist services.
- 29 9. Land surveying services.

30 B. An agent shall provide notice of each procurement of professional
31 services or construction services specified in this section and shall award
32 contracts on the basis of demonstrated competence and qualifications for the
33 type of professional services or construction services pursuant to the
34 procedures prescribed in this section.

35 C. In the procurement of professional services or construction
36 services pursuant to this section:

- 37 1. An agent shall issue a request for qualifications for each contract
38 and publish notice of the request for qualifications. This notice shall be
39 published by advertising in a newspaper of general circulation in the county
40 in which the agent is located for two consecutive publications if it is a
41 weekly newspaper or for two publications that are at least six but no more
42 than ten days apart if it is a daily newspaper. The request for
43 qualifications shall:

44 (a) Include the number of persons or firms to be included on the final
45 list. In a request for qualifications for a horizontal construction project,

1 at least three but not more than five persons or firms shall be on the final
2 list. In all other requests for qualifications, three persons or firms shall
3 be on the final list.

4 (b) State the criteria to be used by the selection committee to select
5 the person or firm to perform the professional services or the construction
6 services. The request for qualifications shall also state in a manner
7 determined by the agent the relative weight of the selection criteria and, if
8 required under paragraph 7, subdivision (b) of this subsection, that one of
9 the criteria will be the person's or firm's subcontractor selection plan or
10 procedures to implement the agent's subcontractor selection plan.

11 (c) If the agent will hold interviews as part of the selection
12 process, state that interviews shall be held with at least three and no more
13 than five persons or firms, except that if multiple contracts are being
14 procured under a single request for qualifications solicitation under this
15 subsection or a single request for qualifications and request for proposals
16 solicitation under this subsection and subsection F of this section, the
17 number to be interviewed shall be at least three and not more than the number
18 of contracts plus two.

19 2. An agent shall initiate an appropriately qualified selection
20 committee for each request for qualifications. If the agent is procuring
21 professional services, the agent shall determine the number and
22 qualifications of the selection committee members. A selection committee for
23 the procurement of construction services shall not have more than seven
24 members, except that, if the contract involves the agent and additional
25 governmental or private participants, the number of members of the selection
26 committee shall be increased by one for each additional participant, except
27 that the maximum number of members of the selection committee is nine. The
28 selection committee for construction services shall include at least one
29 person who is a senior management employee of a licensed contractor and one
30 person who is an architect or an engineer who is registered pursuant to
31 section 32-121. These members may be employees of the agent or outside
32 consultants. Outside contractors, architects and engineers serving on a
33 selection committee shall not receive compensation from the agent for
34 performing this service, but the agent may elect to reimburse outside
35 contractors, architects and engineers for travel, lodging and other expenses
36 incurred in connection with service on a selection committee. A person who
37 is a member of a selection committee shall not be a contractor under a
38 contract awarded under the procurement or provide construction, construction
39 services, materials or services under the contract. The selection committee
40 shall:

41 (a) Evaluate the statements of qualifications and performance data
42 that are submitted in response to the agent's request for qualifications.

43 (b) If determined by the agent and included by the agent in the
44 request for qualifications, conduct interviews with the number of persons or
45 firms to be interviewed as stated in the request for qualifications regarding

1 the professional services or construction services and the relative methods
2 of approach for furnishing the required professional services or construction
3 services.

4 (c) After any interviews, in order of preference, based on the
5 criteria and the weighting of criteria included in the request for
6 qualifications, select a final list for each contract of persons or firms the
7 selection committee deems to be the most qualified to provide the
8 professional services or construction services and, in the case of a contract
9 that will be negotiated under subsection E of this section, rank the persons
10 or firms on the final list in order of preference. The selection committee
11 shall base the selection of the final list and the order of preference on
12 demonstrated competence and qualifications only. If the request for
13 qualifications solicited multiple contracts, the selection committee shall
14 select a separate final list for each contract, except that if multiple
15 contracts are being procured and if the request for qualifications specified
16 that all of the multiple contracts will be awarded to a single contractor,
17 the selection committee may select a single final list for all of the
18 multiple contracts. The number of persons or firms on the final list shall
19 be the number of persons or firms specified in the request for
20 qualifications, except that:

21 (i) If a smaller number of responsive and responsible persons or firms
22 respond to the solicitation, the agent may elect to have the selection
23 committee proceed with the selection process, including interviews and the
24 final list, with the remaining persons or firms if at least two persons or
25 firms remain or the agent may readvertise pursuant to this subsection as the
26 agent deems necessary or appropriate.

27 (ii) If only one responsive and responsible person or firm responds to
28 a solicitation for a contract or multiple contracts to be negotiated pursuant
29 to subsection E of this section, the agent may elect to proceed with only one
30 person or firm in the selection process and may award the contract or
31 contracts to a single person or firm if the agent determines in writing that
32 the fee negotiated pursuant to subsection E of this section is fair and
33 reasonable and that either other prospective persons or firms had reasonable
34 opportunity to respond or there is not adequate time for a resolicitation.

35 (iii) If a person or firm on the final list withdraws or is removed
36 from the selection process and the selection committee determines that it is
37 in the best interest of the agent, the selection committee may replace that
38 person or firm with another person or firm that submitted qualifications and
39 that is selected by the selection committee as the next most qualified.

40 (d) Base the selection of the final list and order of preference on
41 the final list on demonstrated competence and qualifications only.

42 3. Except for construction-manager-at-risk construction services for
43 horizontal construction and design-build construction services for horizontal
44 construction, an agent may procure multiple contracts for professional
45 services, construction-manager-at-risk construction services, design-build

1 construction services or job-order-contracting construction services under a
2 single request for qualifications solicitation under this subsection or, for
3 job-order-contracting construction services or design-build construction
4 services, under a single request for qualifications and request for proposals
5 solicitation under this subsection and subsection F of this section. If an
6 agent does this:

7 (a) The advertisement and the request for qualifications shall state
8 that multiple contracts may or will be awarded, shall state the number of
9 contracts that may or will be awarded and shall describe the services to be
10 performed under each contract.

11 (b) There shall be a single selection process for all of the multiple
12 contracts, except that for each contract there shall be a separate final list
13 and a separate negotiation under subsection E of this section or a separate
14 request for proposals competition under subsection F of this
15 section. However, if the request for qualifications specifies that all of
16 the multiple contracts will be awarded to a single contractor, there may be a
17 single final list and a single negotiation for all of the multiple contracts
18 under subsection E of this section or a single request for proposals
19 competition under subsection F of this section.

20 (c) The agent may award all of the multiple contracts to one
21 contractor or may award the multiple contracts to multiple contractors.

22 4. For professional services, an agent may procure multiple contracts
23 using a single request for qualifications solicitation under this subsection,
24 except that professional services that are part of design-build construction
25 services may not be procured under this paragraph. Each of the multiple
26 contracts for professional services must have a term not exceeding five years
27 and may continue in effect after the five year term for professional services
28 on projects commenced within the five year term.

29 5. An agent may procure multiple contracts for job-order-contracting
30 construction services using a single request for qualifications solicitation
31 under this subsection or using a single request for qualifications and
32 request for proposals solicitation under this subsection and subsection F of
33 this section.

34 6. Except for horizontal construction, an agent may procure multiple
35 contracts for construction-manager-at-risk construction services or for
36 design-build construction services using a single request for qualifications
37 solicitation under this subsection or for design-build construction services
38 using a single request for qualifications and request for proposals
39 solicitation under this subsection and subsection F of this section but in
40 either case only for a specific single project. Portions of the specific
41 single project shall be allocated to separate contracts.

42 7. For construction-manager-at-risk construction services,
43 design-build construction services and job-order-contracting construction
44 services if the contract will be negotiated under subsection E of this

1 section or for job-order-contracting construction services if the contract
2 will be awarded pursuant to subsection F of this section:

3 (a) The person or firm selected to perform the construction services
4 must select subcontractors based on qualifications alone or on a combination
5 of qualifications and price and shall not select subcontractors based on
6 price alone. A qualifications and price selection may be a single step
7 selection based on a combination of qualifications and price or a two step
8 selection. In a two step selection, the first step shall be based on
9 qualifications alone and the second step may be based on a combination of
10 qualifications and price or on price alone.

11 (b) The agent shall include in the request for qualifications either:

12 (i) A requirement that each person or firm submit a proposed
13 subcontractor selection plan, a requirement that the proposed subcontractor
14 selection plan must select subcontractors based on qualifications alone or on
15 a combination of qualifications and price and shall not select subcontractors
16 based on price alone and, as a selection criteria under the request for
17 qualifications, an evaluation of each person's or firm's proposed
18 subcontractor selection plan.

19 (ii) A subcontractor selection plan adopted by the agent that will
20 apply to the person or firm that is selected to perform the construction
21 services and that requires subcontractors to be selected based on
22 qualifications alone or on a combination of qualifications and price and not
23 based on price alone, a requirement that each person or firm must submit a
24 description of the procedures it proposes to use to carry out the agent's
25 subcontractor selection plan and, as a selection criteria under the request
26 for qualifications, an evaluation of each person's or firm's proposed
27 procedures to carry out the agent's subcontractor selection plan.

28 (c) The agent shall include in its contract with the selected person
29 or firm either:

30 (i) If the agent included its subcontractor selection plan in the
31 request for qualifications, the agent's subcontractor selection plan and the
32 procedures proposed by the selected person or firm in submitting its
33 qualifications with those modifications to the procedures as the agent and
34 the selected person or firm agree.

35 (ii) If the agent did not include its subcontractor selection plan in
36 the request for qualifications, the subcontractor selection plan proposed by
37 the selected person or firm in submitting its qualifications with those
38 modifications as the agent and the selected person or firm agree.

39 (d) In making the selection of subcontractors, the person or firm
40 selected to perform the construction services shall use the subcontractor
41 selection plan and any procedures included in its contract.

42 8. The agent and the selection committee shall not request or consider
43 fees, price, man-hours or any other cost information at any point in the
44 selection process under this subsection or subsection D of this section,
45 including the selection of the persons or firms to be interviewed, the

1 selection of the persons or firms to be on the final list, in determining the
2 order of preference of persons or firms on the final list or for any other
3 purpose in the selection process.

4 9. For construction-manager-at-risk construction services and
5 design-build construction services, the contract or contracts under a single
6 request for qualifications solicitation or for design-build construction
7 services a single request for qualifications and request for proposals
8 solicitation shall be limited to a specific single project.

9 D. An agent shall award a contract for professional services or for
10 construction services to one of the persons or firms on the final list for
11 that contract prepared pursuant to subsection C of this section as provided
12 in subsection E or F of this section, except that, if fewer than the number
13 of persons or firms on the final list respond to the request for proposals
14 pursuant to subsection F of this section but at least two persons or firms on
15 the final list submit responsive proposals or if one or more of the persons
16 or firms on the final list drop out of the selection process pursuant to
17 subsection E or F of this section:

18 1. If there are three or more remaining persons or firms, the agent
19 shall proceed with the selection process.

20 2. If there are only two remaining persons or firms, as the agent
21 deems necessary and appropriate, the agent may elect to proceed with the
22 selection process with the two persons or firms or may elect to terminate the
23 selection process and may elect to readvertise pursuant to subsection C of
24 this section.

25 3. If there is only one remaining person or firm, the agent may award
26 the contract to a single person or firm if the agent determines in writing
27 that the fee negotiated pursuant to subsection E of this section is fair and
28 reasonable and that either other prospective persons or firms had reasonable
29 opportunity to respond or there is not adequate time for a resolicitation.

30 E. For each contract included in the request for qualifications, the
31 agent shall enter into separate negotiations for the contract with the
32 highest qualified person or firm on the final list for that contract
33 determined pursuant to subsection C of this section for the professional
34 services or for the construction services. However, if the request for
35 qualifications is for multiple contracts and specifies that all of the
36 multiple contracts will be awarded to a single contractor, there may be a
37 single negotiation for all of the multiple contracts. The negotiations shall
38 include consideration of compensation and other contract terms that the agent
39 determines to be fair and reasonable to the agent. In making this decision,
40 the agent shall take into account the estimated value, the scope, the
41 complexity and the nature of the professional services or construction
42 services to be rendered. If the agent is not able to negotiate a
43 satisfactory contract with the highest qualified person or firm on the final
44 list, at compensation and on other contract terms the agent determines to be
45 fair and reasonable, the agent shall formally terminate negotiations with

1 that person or firm. The agent may undertake negotiations with the next most
2 qualified person or firm on the final list in sequence until an agreement is
3 reached or a determination is made to reject all persons or firms on the
4 final list. If a contract for construction services is entered into pursuant
5 to this subsection:

6 1. If the contract is for construction-manager-at-risk construction
7 services and includes preconstruction services by the contractor or if the
8 contract is for design-build construction services, the agent shall enter
9 into a written contract with the contractor for preconstruction services
10 under which contract the agent shall pay the contractor a fee for
11 preconstruction services in an amount agreed by the agent and the contractor,
12 and the agent shall not request or obtain a fixed price or a guaranteed
13 maximum price for the construction from the contractor or enter into a
14 construction contract with the contractor until after the agent has entered
15 into the written contract for preconstruction services and a preconstruction
16 services fee.

17 2. Construction shall not commence until the agent and contractor
18 agree in writing on either a fixed price that the agent will pay for the
19 construction to be commenced or a guaranteed maximum price for the
20 construction to be commenced.

21 F. As an alternative to subsection E of this section, an agent may
22 award design-build construction services or job-order-contracting
23 construction services as follows:

24 1. The agent shall use the selection committee appointed for the
25 request for qualifications pursuant to subsection C of this section.

26 2. The agent shall issue a request for proposals to the persons or
27 firms on the final list developed pursuant to subsection C of this section.

28 3. For design-build construction services and job-order-contracting
29 construction services, the request for proposals shall include:

30 (a) The agent's project schedule and project final design and
31 construction budget or life cycle budget for a procurement that includes
32 maintenance services or operations services.

33 (b) A statement that the contract or contracts will be awarded to the
34 offeror whose proposal receives the highest number of points under a scoring
35 method.

36 (c) A description of the scoring method, including a list of the
37 factors in the scoring method and the number of points allocated to each
38 factor. The factors in the scoring method shall include:

39 (i) For design-build construction services only, demonstrated
40 compliance with the design requirements.

41 (ii) Offeror qualifications.

42 (iii) Offeror financial capacity.

43 (iv) Compliance with the agent's project schedule.

44 (v) For design-build construction services only, if the request for
45 proposals specifies that the agent will spend its project budget and not more

1 than its project budget and is seeking the best proposal for the project
2 budget, compliance of the offeror's price or life cycle price for
3 procurements that include maintenance services, operations services or
4 finance services with the agent's budget as prescribed in the request for
5 proposals.

6 (vi) For design-build construction services if the request for
7 proposals does not contain the specifications prescribed in item (v) and for
8 job-order-contracting construction services, the price or life cycle price
9 for procurements that include maintenance services, operations services or
10 finance services.

11 (vii) An offeror quality management plan.

12 (viii) Other evaluation factors as determined by the agent, if any.

13 (d) For design-build construction services only, the design
14 requirements.

15 (e) A requirement that each offeror submit separately a technical
16 proposal and a price proposal and that the offeror's entire proposal be
17 responsive to the requirements in the request for proposals. For
18 design-build construction services, the price in the price proposal shall be
19 a fixed price or a guaranteed maximum price.

20 (f) A statement that in applying the scoring method the selection
21 committee will separately evaluate the technical proposal and the price
22 proposal and will evaluate and score the technical proposal before opening
23 the price proposal.

24 (g) If the agent conducts discussions pursuant to paragraph 5 of this
25 subsection, a statement that discussions will be held and a requirement that
26 each offeror submit a preliminary technical proposal before the discussions
27 are held.

28 4. If the agent determines to conduct discussions pursuant to
29 paragraph 5 of this subsection, each offeror shall submit a preliminary
30 technical proposal to the agent before those discussions are held.

31 5. If determined by the agent and included by the agent in the request
32 for proposals, the selection committee shall conduct discussions with all
33 persons or firms that submit preliminary technical proposals. Discussions
34 shall be for the purpose of clarification to ~~assure~~ ENSURE full understanding
35 of, and responsiveness to, the solicitation requirements. Offerors shall be
36 accorded fair treatment with respect to any opportunity for discussion and
37 for clarification by the owner. Revision of preliminary technical proposals
38 shall be permitted after submission of preliminary technical proposals and
39 before award for the purpose of obtaining best and final proposals. In
40 conducting any discussions, information derived from proposals submitted by
41 competing offerors shall not be disclosed to other competing offerors.

42 6. After completion of any discussions pursuant to paragraph 5 of this
43 subsection or if no discussions are held, each offeror shall submit
44 separately the offeror's final technical proposal and its price proposal.

- 1 7. Before opening any price proposal, the selection committee shall
2 open the final technical proposals, evaluate the final technical proposals
3 and score the final technical proposals using the scoring method in the
4 request for proposals. No other factors or criteria may be used in the
5 evaluation and scoring.
- 6 8. After completion of the evaluation and scoring of all final
7 technical proposals, the selection committee shall open the price proposals,
8 evaluate the price proposals, score the price proposals and complete the
9 scoring of the entire proposals using the scoring method in the request for
10 proposals. No other factors or criteria may be used in the evaluation and
11 scoring.
- 12 9. The agent shall award the contract or contracts to the responsive
13 and responsible offeror whose proposal receives the highest score under the
14 method of scoring in the request for proposals. No other factors or criteria
15 may be used in the evaluation.
- 16 10. The contract or contracts file shall contain the basis on which the
17 award is made.
- 18 11. For design-build construction services only, the agent shall award
19 a stipulated fee equal to a percentage, as prescribed in the request for
20 proposals, of the agent's project final design and construction budget, as
21 prescribed in the request for proposals, but not less than two-tenths of one
22 per cent of the project final design and construction budget to each final
23 list offeror who provides a responsive, but unsuccessful, proposal. If the
24 agent does not award a contract, all responsive final list offerors shall
25 receive the stipulated fee based on the owner's estimate of the project final
26 design and construction budget as included in the request for proposals. The
27 agent shall pay the stipulated fee to each offeror within ninety days after
28 the award of the initial contract or the decision not to award a contract. In
29 consideration for paying the stipulated fee, the agent may use any ideas or
30 information contained in the proposals in connection with any contract
31 awarded for the project, or in connection with a subsequent procurement,
32 without any obligation to pay any additional compensation to the unsuccessful
33 offerors. Notwithstanding the other provisions of this paragraph, an
34 unsuccessful final list offeror may elect to waive the stipulated fee. If an
35 unsuccessful final list offeror elects to waive the stipulated fee, the agent
36 may not use ideas and information contained in the offeror's proposal, except
37 that this restriction does not prevent the agent from using any idea or
38 information if the idea or information is also included in a proposal of an
39 offeror that accepts the stipulated fee.
- 40 G. Until an award and execution of a contract by an agent, only the
41 name of each person or firm on the final list developed pursuant to
42 subsection C of this section may be made available to the public. All other
43 information received by the agent in response to the request for
44 qualifications or contained in the proposals shall be confidential in order
45 to avoid disclosure of the contents that may be prejudicial to competing

offerors during the selection process. The proposals shall be open to public inspection after the contract is awarded and the agent has executed the contract. To the extent that the offeror designates and the agent concurs, trade secrets and other proprietary data contained in a proposal remain confidential.

H. An agent may cancel a request for qualifications or a request for proposals or reject in whole or in part any or all proposals as specified in the solicitation if it is in the best interest of the agent. The agent shall make the reasons for cancellation or rejection part of the contract file.

I. Notwithstanding any other law:

1. The contractor for design-build or job-order-contracting construction services is not required to be registered to perform design services pursuant to title 32, chapter 1 if the person or firm actually performing the design services on behalf of the contractor is appropriately registered.

2. The contractor for construction-manager-at-risk, design-build or job-order-contracting construction services shall be licensed to perform construction pursuant to title 32, chapter 10.

3. For each project for horizontal construction under a design-build or construction-manager-at-risk construction services contract, the licensed contractor performing the contract shall perform, with the contractor's own organization, construction work that amounts to not less than forty-five per cent of the total contract price for construction. For the purposes of this paragraph, the total contract price for construction does not include the cost of preconstruction services, design services or any other related services or the cost to procure any right-of-way or other cost of condemnation.

4. There shall be a separate request for qualifications under subsection C of this section for each contract for horizontal construction construction-manager-at-risk construction services or horizontal construction design-build construction services.

J. For job-order-contracting construction services only:

1. The maximum dollar amount of an individual job order shall be one million dollars or such higher or lower amount prescribed by the agent in an action noticed pursuant to title 38, chapter 3, article 3.1 or a rule adopted by the agent as the maximum amount of an individual job order. Requirements shall not be artificially divided or fragmented in order to constitute a job order that satisfies this requirement.

2. If the contractor subcontracts or intends to subcontract part or all of the work under a job order and if the job order construction services contract includes descriptions of standard individual tasks, standard unit prices for standard individual tasks and pricing of job orders based on the number of units of standard individual tasks in the job order:

1 (a) The contractor has a duty to deliver promptly to each
2 subcontractor invited to bid a coefficient to the contractor to do all or
3 part of the work under one or more job orders:

4 (i) A copy of the descriptions of all standard individual tasks on
5 which the subcontractor is invited to bid.

6 (ii) A copy of the standard unit prices for the individual tasks on
7 which the subcontractor is invited to bid.

8 (b) If not previously delivered to the subcontractor, the contractor
9 has a duty to deliver promptly the following to each subcontractor invited to
10 or that has agreed to do any of the work included in any job order:

11 (i) A copy of the description of each standard individual task that is
12 included in the job order and that the subcontractor is invited to perform.

13 (ii) The number of units of each standard individual task that is
14 included in the job order and that the subcontractor is invited to perform.

15 (iii) The standard unit price for each standard individual task that
16 is included in the job order and that the subcontractor is invited to
17 perform.

18 K. Notwithstanding anything to the contrary in this chapter, an agent
19 shall not procure any horizontal construction using the
20 construction-manager-at-risk, design-build or job-order-contracting method of
21 project delivery after June 30, ~~2010~~ 2020. For purposes of this paragraph,
22 an agent procures horizontal construction when the contract for the
23 construction services is executed by the agent and the contractor for the
24 construction-manager-at-risk, design-build or job-order-contracting
25 construction services. If a contract is executed for construction services
26 on or before June 30, ~~2010~~ 2020, construction services under the contract may
27 be rendered in whole or in part after June 30, ~~2010~~ 2020.

28 L. Notwithstanding anything to the contrary in this section or this
29 title, an agent shall not:

30 1. Enter into a contract as contractor to provide
31 construction-manager-at-risk construction services, design-build construction
32 services or job-order-contracting construction services.

33 2. Contract with itself, with another agent, with this state or with
34 any other governmental unit of this state or the federal government for the
35 agent to provide construction-manager-at-risk construction services,
36 design-build construction services or job-order-contracting construction
37 services.

38 M. The prohibitions prescribed in subsection L of this section do not
39 prohibit an agent from providing construction for itself as provided by law.

40 N. The agent shall include in each contract for construction services
41 the full street or physical address of each separate location at which the
42 construction will be performed and a requirement that the contractor and each
43 subcontractor at any level include in each of its subcontracts the same
44 address information. The contractor and each subcontractor at any level

1 shall include in each subcontract the full street or physical address of each
2 separate location at which construction work will be performed.

3 O. For the purposes of this section, "professional services" includes
4 architect services, engineer services, landscape architect services, assayer
5 services, geologist services and land surveying services and any combination
6 of those services.

7 Sec. 54. Section 41-608, Arizona Revised Statutes, is amended to read:
8 41-608. Veterans' donations fund

9 A. The veterans' donations fund is established consisting of monies,
10 gifts and contributions donated to the department and monies deposited
11 pursuant to sections 28-2414, 28-2428, 28-2431, 28-2453, 28-2454, 28-2455 and
12 43-620. The department shall administer the fund. Monies in the fund are
13 continuously appropriated. The monies in the fund are exempt from the
14 provisions of section 35-190 relating to lapsing of appropriations.

15 B. The director or the director's designee may solicit and receive
16 donations, including in-kind donations, from the public for veterans. The
17 director shall deposit, pursuant to sections 35-146 and 35-147, the monetary
18 donations in the veterans' donations fund. Monies in the fund are subject to
19 state auditing procedures. Except for monies deposited pursuant to section
20 28-2431, the donations may be used for the benefit of the veterans within the
21 state of Arizona at the discretion of the director.

22 C. The director shall establish a separate subaccount in the veterans'
23 donations fund for the deposit of monies received pursuant to section
24 28-2431, subsection C. The monies in the subaccount shall be used ~~at the~~
25 ~~director's discretion for the benefit of any immediate family member of a~~
26 ~~person who died while on active duty in the United States military~~ FOR THE
27 CONSTRUCTION AND MAINTENANCE OF THE ENDURING FREEDOM MEMORIAL AUTHORIZED
28 PURSUANT TO SECTION 41-1363 FOR PLACEMENT IN WESLEY BOLIN PLAZA.

29 D. The director shall inventory and account for the use of any
30 tangible personal property donated to the fund.

31 E. On notice from the director, the state treasurer shall invest and
32 divest monies in the fund as provided by section 35-313, and monies earned
33 from investment shall be credited to the fund.

34 Sec. 55. Title 41, chapter 7, article 12, Arizona Revised Statutes, is
35 amended by adding section 41-1292, to read:

36 41-1292. Joint legislative review committee on transportation
37 between Sonora, Mexico and Arizona

38 A. THE JOINT LEGISLATIVE REVIEW COMMITTEE ON TRANSPORTATION BETWEEN
39 SONORA, MEXICO AND ARIZONA IS ESTABLISHED. THE COMMITTEE CONSISTS OF:

40 1. TWO MEMBERS OF THE SENATE WHO ARE APPOINTED BY THE PRESIDENT OF THE
41 SENATE, ONE FROM EACH POLITICAL PARTY.

42 2. TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES WHO ARE APPOINTED BY
43 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, ONE FROM EACH POLITICAL PARTY.

44 3. THE CHAIRPERSON OF THE COMMITTEE IN THE HOUSE OF REPRESENTATIVES
45 THAT CONSIDERS TRANSPORTATION ISSUES, OR THE CHAIRPERSON'S DESIGNEE FROM THE

1 COMMITTEE IN THE HOUSE OF REPRESENTATIVES THAT CONSIDERS TRANSPORTATION
2 ISSUES, WHO SERVES AS CHAIRPERSON OF THE JOINT LEGISLATIVE REVIEW COMMITTEE
3 ON TRANSPORTATION BETWEEN SONORA, MEXICO AND ARIZONA EVERY EVEN-NUMBERED
4 YEAR.

5 4. THE CHAIRPERSON OF THE COMMITTEE IN THE SENATE THAT CONSIDERS
6 TRANSPORTATION ISSUES, OR THE CHAIRPERSON'S DESIGNEE FROM THE COMMITTEE IN
7 THE SENATE THAT CONSIDERS TRANSPORTATION ISSUES, WHO SERVES AS CHAIRPERSON OF
8 THE JOINT LEGISLATIVE REVIEW COMMITTEE ON TRANSPORTATION BETWEEN SONORA,
9 MEXICO AND ARIZONA EVERY ODD-NUMBERED YEAR.

10 B. THE COMMITTEE SHALL:

11 1. COORDINATE EFFORTS OF THE COMMITTEE AS REASONABLY PRACTICABLE WITH
12 A LIKE COMMITTEE ESTABLISHED BY SONORA, MEXICO.

13 2. STUDY ISSUES AND PROBLEMS CONCERNING TRANSPORTATION BETWEEN SONORA,
14 MEXICO AND THIS STATE, INCLUDING THE FOLLOWING:

15 (a) THE NEED TO MODIFY AND IMPROVE BORDER CROSSING PROCEDURES AND
16 FACILITIES.

17 (b) THE ADVANTAGES AND DISADVANTAGES OF ISSUING TEMPORARY TRAVEL
18 PERMITS TO MEXICAN COMMERCIAL VEHICLES ENTERING THIS STATE.

19 (c) THE POTENTIAL IMPACT OF TRANSPORTING HAZARDOUS MATERIALS BETWEEN
20 SONORA, MEXICO AND THIS STATE.

21 (d) THE CURRENT AND ANY ANTICIPATED CHANGES IN THE TYPE AND VOLUME OF
22 TRAFFIC ON HIGHWAYS THAT CARRY COMMERCIAL VEHICLES TO THE BORDER BETWEEN
23 SONORA, MEXICO AND THIS STATE.

24 (e) ENVIRONMENTAL AND SAFETY PROBLEMS CAUSED BY THE TYPE AND VOLUME OF
25 TRAFFIC ON HIGHWAYS THAT CARRY COMMERCIAL VEHICLES TO THE BORDER BETWEEN
26 SONORA, MEXICO AND THIS STATE.

27 (f) POTENTIAL FINANCING OF ANY HIGHWAY CONSTRUCTION OR PLANNING, OR
28 BOTH, THAT MAY BE RECOMMENDED BY THE COMMITTEE.

29 (g) THE IMPACT OF FOREIGN COMMERCIAL VEHICLES ON THE TRANSPORTATION
30 INFRASTRUCTURE OF THIS STATE.

31 (h) THE BALANCE BETWEEN REVENUES COLLECTED AT PORTS OF ENTRY ON THE
32 BORDER BETWEEN SONORA, MEXICO AND THIS STATE AND THE COSTS ASSOCIATED WITH
33 MAINTAINING THE TRANSPORTATION INFRASTRUCTURE WITHIN TWENTY-FIVE MILES OF THE
34 BORDER BETWEEN SONORA, MEXICO AND THIS STATE.

35 3. ANNUALLY MAKE RECOMMENDATIONS TO THE LEGISLATURE REGARDING
36 APPROPRIATIONS MADE PURSUANT TO SECTION 28-6547.

37 4. MAKE RECOMMENDATIONS TO THE LEGISLATURE THAT WILL HELP ALLEVIATE
38 THE CURRENT ENVIRONMENTAL, TRANSPORTATION INFRASTRUCTURE AND SAFETY PROBLEMS
39 CAUSED BY THE TYPE AND VOLUME OF TRAFFIC ON HIGHWAYS THAT CARRY COMMERCIAL
40 VEHICLES TO THE BORDER BETWEEN SONORA, MEXICO AND THIS STATE AND
41 TRANSPORTATION PROBLEMS EXPERIENCED BY BUSINESSES LOCATED ON BOTH SIDES OF
42 THE BORDER BETWEEN SONORA, MEXICO AND THIS STATE, THAT WILL IMPROVE ROAD, AIR
43 AND RAIL TRANSPORTATION BETWEEN SONORA, MEXICO AND THIS STATE AND REGARDING
44 HIGHWAY CONSTRUCTION AND PLANNING OF HIGHWAYS THAT CARRY COMMERCIAL VEHICLES
45 TO THE BORDER BETWEEN SONORA, MEXICO AND THIS STATE.

1 5. SUBMIT A REPORT WITH ITS RECOMMENDATIONS ON OR BEFORE DECEMBER 1 OF
2 EACH YEAR TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES, THE GOVERNOR, THE CHAIRMAN OF THE STATE TRANSPORTATION BOARD
4 AND THE COMMITTEE ESTABLISHED BY SONORA, MEXICO.

5 C. THE MEMBERS OF THE COMMITTEE WHO ARE APPOINTED PURSUANT TO
6 SUBSECTION A, PARAGRAPHS 9 AND 10 SERVE TWO YEAR TERMS.

7 D. THE MEMBERS OF THE COMMITTEE ARE NOT ELIGIBLE TO RECEIVE
8 COMPENSATION, BUT THE MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A,
9 PARAGRAPHS 9, 10 AND 11 ARE ELIGIBLE TO RECEIVE REIMBURSEMENT FOR EXPENSES
10 PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

11 E. THE DEPARTMENT OF TRANSPORTATION SHALL FACILITATE THE MEETINGS OF
12 THE COMMITTEE. THE COMMITTEE SHALL USE THE SERVICES OF THE LEGISLATIVE STAFF
13 AND THE STAFF OF THE DEPARTMENT OF TRANSPORTATION.

14 Sec. 56. Section 41-1504, Arizona Revised Statutes, is amended to
15 read:

16 41-1504. Department powers and duties

17 A. The department shall:

18 1. Formulate policies, plans and programs designed to encourage
19 orderly planning and stimulate economic activity and the development and use
20 of solar energy in this state and to effectuate this chapter.

21 2. Stimulate and encourage all local, state, regional and federal
22 governmental agencies and all private persons and enterprises that have
23 similar and related objectives and purposes, cooperate with the agencies,
24 persons and enterprises and correlate department plans, programs and
25 operations with those of the agencies, persons and enterprises.

26 3. Conduct research on its own initiative or at the request of the
27 governor, the legislature or state or local agencies pertaining to any
28 department objectives.

29 4. Provide information and advice on request of any local, state or
30 federal agencies, private persons and business enterprises on matters within
31 the scope of department activities.

32 5. Consult with and make recommendations to the governor and the
33 legislature on all matters concerning department objectives.

34 6. Make annual reports to the governor and the legislature on its
35 activities, its finances and the scope of its operations.

36 7. Undertake a comprehensive research program designed to:

37 (a) Establish the department as the central repository and
38 clearinghouse for all data relating to this state's economy, energy and other
39 resources as they relate to economic planning and development.

40 (b) Maintain a current inventory of the resources of this state.

41 (c) Investigate potential opportunities for the development of energy,
42 industry and other commerce throughout this state.

43 8. Promote and encourage the location of new business in this state as
44 well as the maintenance and expansion of existing business in this state.

1 Such programs shall include a special focus on fostering the recruitment and
2 development of industries in the nonmetropolitan communities in this state.

3 9. Receive, administer and disburse federal energy monies for energy
4 programs which THAT benefit this state.

5 10. Determine and collect registry fees for the administration of the
6 allocation of federal tax exempt industrial development bonds and student
7 loan bonds authorized by the department. Such monies collected by the
8 department shall be deposited, pursuant to sections 35-146 and 35-147, in a
9 department bond fund. Monies in the fund shall BE USED, subject to annual
10 appropriation by the legislature, ~~be used~~ by the department to administer the
11 allocations provided in this paragraph and are exempt from section 35-190.

12 11. Determine and collect security deposits for the allocation, for the
13 extension of allocations and for the difference between allocations and
14 principal amounts of federal tax exempt industrial development bonds and
15 student loan bonds authorized by the department. Security deposits forfeited
16 to the department shall be deposited in the state general fund.

17 12. Encourage the development, use and conservation of solar energy and
18 other renewable energy sources.

19 13. Establish and oversee the operations of export and import trade and
20 tourism offices in the Far East, the Republic of Mexico and Europe for the
21 purpose of expanding export trade opportunities for businesses and industries
22 located in Arizona if after research the department determines that such
23 establishment and oversight are feasible.

24 14. Establish and oversee the operations of a part-time export and
25 import trade and tourism office in Japan if an office has not been
26 established in Japan pursuant to paragraph 13 of this subsection and a
27 part-time export and import trade and tourism office in Canada for the
28 purpose of expanding export trade opportunities for businesses and industries
29 located in this state if the department determines that such establishment
30 and oversight are feasible.

31 15. On or before the conclusion of each calendar quarter, report to the
32 governor, the president of the senate and the speaker of the house of
33 representatives on the activities of the department relating to economic
34 planning and development. The report shall include the status of the
35 long-range strategic plan.

36 16. Establish a minority and women-owned business development program
37 to promote the economic development of minority and women-owned business
38 enterprises. The program shall provide data relating to minority and
39 women-owned businesses and shall promote utilization and development of the
40 state's minority and women entrepreneurs.

41 17. Establish a small business advocate office to promote the creation,
42 growth and vitality of Arizona small businesses and to act as an advocate for
43 small business interests before the governor, THE legislature and state
44 agencies as well as the community at large.

1 18. Cooperate with the Arizona-Mexico commission in the governor's
2 office and with researchers at universities in this state to collect data and
3 conduct projects in the United States and Mexico on issues that are within
4 the scope of the department's duties and that relate to quality of life,
5 trade and economic development in this state in a manner that will help the
6 Arizona-Mexico commission to assess and enhance the economic competitiveness
7 of this state and of the Arizona-Mexico region.

8 19. Through its clearinghouse on grant information, maintain data
9 regarding grants awarded by state agencies and universities. On or before
10 December 1 of each year, each state agency and university shall submit a
11 report to the department that includes information about each grant awarded
12 by the state agency or university in the preceding fiscal year. The
13 information shall include the amount of each grant, the recipient of each
14 grant and the purpose of each grant.

15 20. Be the state registration agency for apprenticeship functions
16 prescribed by the federal government.

17 B. The department, through the director, may:

18 1. Employ administrative, secretarial and clerical assistants and
19 contract for the services of outside advisers, consultants and aides
20 reasonably necessary or desirable to enable the department to adequately
21 perform its duties.

22 2. Contract and incur obligations reasonably necessary or desirable
23 within the general scope of department activities and operations to enable
24 the department to adequately perform its duties.

25 3. Utilize any media of communication, publication and exhibition in
26 the dissemination of information, advertising and publicity in any field of
27 its purposes, objectives or duties.

28 4. Adopt rules deemed necessary or desirable to govern its procedures
29 and business.

30 5. Contract with other agencies in furtherance of any department
31 program.

32 6. Use monies, facilities or services to provide matching
33 contributions under federal or other programs ~~which~~ THAT further the
34 objectives and programs of the department.

35 7. Accept gifts, grants, matching monies or direct payments from
36 public or private agencies or private persons and enterprises for the conduct
37 of programs ~~which~~ THAT are consistent with the general purposes and
38 objectives of this chapter.

39 ~~8. Notwithstanding section 41-1553.05, subsection A, provide staff~~
40 ~~support to the Arizona international development authority.~~

1 C. The department shall not advocate or take a position on any special
2 direct tax on any resident of this state for a sports facility or venue.

3 Sec. 57. Section 41-1722, Arizona Revised Statutes, is amended to
4 read:

5 41-1722. State photo enforcement system; penalties; fund

6 A. Notwithstanding any other law, the department shall enter into a
7 contract or contracts with a private vendor or vendors pursuant to chapter 23
8 of this title to establish a state photo enforcement system consisting of
9 cameras placed throughout this state as determined by the director to enforce
10 the provisions of title 28, chapter 3, articles 3 and 6 relating to vehicle
11 traffic and speed.

12 B. Notwithstanding any other law, the civil penalty or fine for a
13 citation or a notice of violation issued pursuant to this section is one
14 hundred sixty-five dollars and is not subject to any surcharge except the
15 surcharge imposed by section 16-954. State photo enforcement citations shall
16 not be included in judicial productivity credit calculations for fiscal year
17 2008-2009.

18 C. The photo enforcement fund is established consisting of monies
19 received from citations or notices of violation issued pursuant to this
20 section. The director shall administer the fund. Monies in the fund are
21 subject to legislative appropriation and are appropriated to the department
22 for administrative and personnel costs of the state photo enforcement system.
23 Monies remaining in the fund in excess of two hundred fifty thousand dollars
24 at the end of each calendar quarter shall be deposited, pursuant to sections
25 35-146 and 35-147, in the state general fund.

26 D. Notwithstanding any other law, if a person is found responsible for
27 a civil traffic violation or a notice of violation pursuant to a citation
28 issued pursuant to this section, the department of transportation shall not
29 consider the violation for the purpose of determining whether the person's
30 driver license should be suspended or revoked. A court shall ~~not~~ ONLY
31 transmit abstracts of records of these violations to the department of
32 transportation FOR COMMERCIAL DRIVER LICENSE HOLDERS.

33 Sec. 58. Repeal

34 Title 41, chapter 10, article 7, Arizona Revised Statutes, is repealed.

35 Sec. 59. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
36 amended by adding section 41-3019.01, to read:

37 41-3019.01. Arizona international development authority;
38 termination July 1, 2019

39 A. THE ARIZONA INTERNATIONAL DEVELOPMENT AUTHORITY TERMINATES ON
40 JULY 1, 2019.

41 B. TITLE 41, CHAPTER 45 IS REPEALED ON JANUARY 1, 2020.

1 Sec. 60. Title 41, Arizona Revised Statutes, is amended by adding
2 chapter 45, to read:

3 CHAPTER 45

4 INTERNATIONAL TRANSPORTATION AND PORT INFRASTRUCTURE DEVELOPMENT

5 ARTICLE 1. GENERAL PROVISIONS

6 41-4501. Definitions

7 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 1. "ACQUIRE" MEANS PURCHASE, LEASE AS LESSEE, OBTAIN AN INTEREST AS
9 LENDER OR AS MORTGAGEE OR BENEFICIARY UNDER A DEED OF TRUST, OPERATE, ERECT,
10 BUILD, CONSTRUCT, RECONSTRUCT, REMODEL, REPAIR, REPLACE, ALTER, EXTEND,
11 BETTER, EQUIP, FURNISH, DEVELOP, IMPROVE OR EMBELLISH ANY PROPERTY, INCLUDING
12 SITE ACQUISITION, PREPARATION AND DEVELOPMENT AND ALL INCIDENTAL ACTIVITIES.

13 2. "AGREEMENT" MEANS ANY AGREEMENT, CONTRACT, NOTE, MORTGAGE, DEED OF
14 TRUST, LEASE, SUBLEASE OR OTHER SUCH INSTRUMENT ENTERED INTO BY THE
15 AUTHORITY.

16 3. "ARIZONA-MEXICO BORDER AREA" MEANS THE GEOGRAPHIC AREA IN THIS
17 STATE THAT IS WITHIN SIXTY-TWO MILES OF THE ARIZONA-MEXICO BORDER LINE AND IN
18 MEXICO WITHIN SIX MILES OF THE ARIZONA-MEXICO BORDER LINE.

19 4. "AUTHORITY" MEANS THE ARIZONA INTERNATIONAL DEVELOPMENT AUTHORITY.

20 5. "BOARD" MEANS THE BOARD OF DIRECTORS OF THE AUTHORITY.

21 6. "BONDS" MEANS ANY BONDS ISSUED PURSUANT TO THIS CHAPTER.

22 7. "BORDER REGIONAL PORT AUTHORITY" MEANS A NONPROFIT ENTITY THAT IS
23 ORGANIZED IN THIS STATE PURSUANT TO TITLE 10, THAT IS BASED IN A COUNTY
24 WITHIN SIXTY-TWO MILES OF THE ARIZONA-MEXICO BORDER LINE AND THAT PROMOTES
25 TRADE AND COMMERCE WITHIN THE ARIZONA-MEXICO BORDER AREA BY:

26 (a) IMPROVING THE EFFICIENCY AND PRODUCTIVITY OF EXISTING
27 INTERNATIONAL PORTS OF ENTRY AT THE BORDER, INCLUDING THE CONSTRUCTION,
28 OPERATION AND MAINTENANCE OF THESE FACILITIES OR OTHER SUPPORTING FACILITIES.

29 (b) PROMOTING PROJECTS THAT WILL ENHANCE THE TRANSPORTATION FLOW
30 THROUGH THE PORTS OF ENTRY AND THROUGHOUT THE ARIZONA-MEXICO BORDER AREA.

31 (c) PROMOTING A MEMBERSHIP THAT REFLECTS A BROAD CROSS SECTION OF
32 LOCAL GOVERNMENT, INDUSTRY AND COMMERCE AND THE COMMUNITY IN GENERAL.

33 8. "COSTS" INCLUDES ALL COSTS AND EXPENSES INCURRED IN THE ISSUANCE OF
34 BONDS, INCLUDING LEGAL, ACCOUNTING, CONSULTING, PRINTING, ADVERTISING AND
35 TRAVEL COSTS AND EXPENSES, AND MAY ALSO INCLUDE INTEREST ON BONDS ISSUED
36 PURSUANT TO THIS CHAPTER FOR A REASONABLE TIME BEFORE AND DURING CONSTRUCTION
37 AND AFTER COMPLETION OF CONSTRUCTION OF ANY PROJECT.

38 9. "ENTITY" MEANS THE UNITED STATES OR ANY AGENCY OR DEPARTMENT OF THE
39 UNITED STATES, ANY STATE OR ANY AGENCY, DEPARTMENT OR POLITICAL SUBDIVISION
40 OF THIS STATE OR ANY OTHER STATE OF THE UNITED STATES, ANY INDIAN TRIBE, ANY
41 BORDER REGIONAL PORT AUTHORITY, ANY FOREIGN COUNTRY OR ANY STATE, AGENCY,
42 DEPARTMENT OR OTHER POLITICAL SUBDIVISION OF ANY FOREIGN COUNTRY, INCLUDING
43 MEXICO AND ANY STATE, AGENCY, DEPARTMENT OR OTHER POLITICAL SUBDIVISION OF
44 MEXICO, OR ANY PUBLIC OR PRIVATE CORPORATION, COMPANY, PARTNERSHIP, JOINT

1 VENTURE, FOUNDATION, TRUST, ESTATE, INDIVIDUAL OR OTHER LEGAL BUSINESS
2 ORGANIZATION.

3 10. "FEDERAL AGENCY" MEANS ANY AGENCY OR DEPARTMENT OF THE UNITED
4 STATES, INCLUDING THE UNITED STATES DEPARTMENT OF COMMERCE, THE UNITED STATES
5 DEPARTMENT OF TRANSPORTATION AND THE UNITED STATES DEPARTMENT OF HOMELAND
6 SECURITY.

7 11. "PROJECT" MEANS ANY PROPERTY AND RELATED FACILITIES, WHETHER OR NOT
8 NOW IN EXISTENCE, ACQUIRED TO FACILITATE INTERNATIONAL TRADE OR COMMERCE
9 BETWEEN THIS STATE AND OTHER COUNTRIES, INCLUDING PROPERTY SUITABLE FOR ANY
10 OF THE FOLLOWING PURPOSES:

11 (a) INTERNATIONAL PORTS OF ENTRY.

12 (b) INTERNATIONAL BORDER CROSSING FACILITIES.

13 (c) TRANSPORTATION AND SHIPPING FACILITIES, INCLUDING RAILROAD, DOCK,
14 AIRPORT, HIGHWAY AND ROADWAY FACILITIES, OTHER THAN A HIGHWAY OR ROADWAY
15 UNDER THE JURISDICTION OF THE DEPARTMENT OF TRANSPORTATION, AND INCLUDING
16 PUBLIC TRANSPORTATION, SURFACE MASS TRANSIT AND INTERMODAL SURFACE
17 TRANSPORTATION FACILITIES.

18 (d) ANY FACILITIES LOCATED OR TO BE LOCATED IN THE ARIZONA-MEXICO
19 BORDER AREA FOR THE TRANSMISSION OR TRANSPORTATION OF ELECTRICITY, INCLUDING
20 ELECTRICITY GENERATED BY RENEWABLE RESOURCES SUCH AS SOLAR, WIND OR
21 GEOTHERMAL, LIQUEFIED NATURAL GAS, NATURAL GAS AND OIL AND ITS DERIVATIVES
22 ACROSS THE UNITED STATES-MEXICO BORDER.

23 12. "PROPERTY" MEANS LAND, IMPROVEMENTS TO LAND, BUILDINGS,
24 IMPROVEMENTS TO BUILDINGS, MACHINERY AND EQUIPMENT OF ANY KIND, OPERATING
25 CAPITAL AND ANY OTHER REAL OR PERSONAL PROPERTY NECESSARY FOR A PROJECT.

26 13. "TRUSTEE" MEANS ANY FINANCIAL INSTITUTION OR TRUST COMPANY ACTUALLY
27 DOING BUSINESS IN THIS STATE.

28 41-4502. Establishment of authority: political subdivision

29 THE ARIZONA INTERNATIONAL DEVELOPMENT AUTHORITY IS ESTABLISHED. THE
30 AUTHORITY IS A CORPORATE BODY AND IS A POLITICAL SUBDIVISION OF THIS STATE.

31 41-4503. Board of directors: members: appointment:
32 qualifications: terms: officers: meetings:
33 reimbursement

34 A. THE AUTHORITY'S GOVERNING BOARD IS A BOARD OF DIRECTORS CONSISTING
35 OF SEVEN MEMBERS APPOINTED BY THE GOVERNOR PURSUANT TO TITLE 38, CHAPTER 2,
36 ARTICLE 2. MEMBERS OF THE BOARD SHALL BE CHOSEN BASED ON THEIR EXPERIENCE IN
37 ONE OR MORE OF THE FIELDS OF PUBLIC FINANCE, INTERNATIONAL BANKING,
38 INTERNATIONAL COMMERCE AND RELATIONS, TRANSPORTATION, INFRASTRUCTURE AND
39 RELATED FACILITIES CONSTRUCTION AND LAND USE PLANNING. AT LEAST ONE MEMBER
40 SHALL BE FROM EACH OF COCHISE, SANTA CRUZ, PIMA AND YUMA COUNTIES. NO MORE
41 THAN TWO MEMBERS SHALL BE SELECTED FROM THE SAME COUNTY. IN THOSE ELIGIBLE
42 COUNTIES WHERE A BORDER REGIONAL PORT AUTHORITY EXISTS, THE GOVERNOR SHALL
43 APPOINT ONE MEMBER OF THE QUALIFYING BORDER REGIONAL PORT AUTHORITY BOARD TO
44 THE ARIZONA INTERNATIONAL DEVELOPMENT AUTHORITY BOARD. IN THOSE ELIGIBLE
45 COUNTIES WHERE A BORDER REGIONAL PORT AUTHORITY DOES NOT EXIST, THE GOVERNOR

1 SHALL APPOINT A MEMBER FROM THE RESPECTIVE COUNTY THAT MEETS THE
2 QUALIFICATIONS OF THIS SECTION. THE GOVERNOR MAY REMOVE ANY MEMBER OF THE
3 ARIZONA INTERNATIONAL DEVELOPMENT AUTHORITY BOARD FOR CAUSE.

4 B. THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE
5 SENATE, THE DIRECTOR OF THE DEPARTMENT OF COMMERCE, THE DIRECTOR OF THE
6 DEPARTMENT OF TRANSPORTATION AND A REPRESENTATIVE DESIGNATED BY THE
7 INTERTRIBAL COUNCIL OF ARIZONA ARE ADVISORY MEMBERS OF THE BOARD BUT ARE NOT
8 ELIGIBLE TO VOTE AND ARE NOT MEMBERS OF THE BOARD FOR PURPOSES OF DETERMINING
9 A QUORUM.

10 C. EACH APPOINTED MEMBER OF THE BOARD SHALL SERVE FOR A TERM OF FIVE
11 YEARS AND IS INELIGIBLE TO SERVE A SUCCESSIVE TERM, BUT MAY SUBSEQUENTLY BE
12 REAPPOINTED TO THE BOARD. VACANCIES OCCURRING OTHER THAN BY EXPIRATION OF
13 TERM SHALL BE FILLED FOR THE REMAINDER OF THE UNEXPIRED TERM IN THE SAME
14 MANNER AS MEMBERS ARE APPOINTED.

15 D. THE INITIAL BOARD MEMBERS SHALL ORGANIZE THE BOARD. THE BOARD
16 SHALL ANNUALLY ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON, A SECRETARY AND A
17 TREASURER AND MAY ALSO ELECT OTHER OFFICERS IT DEEMS APPROPRIATE.

18 E. THE BOARD SHALL PROVIDE FOR A REGULAR ANNUAL MEETING OF THE BOARD
19 AND OTHER REGULAR MEETINGS AS THE BOARD DETERMINES. THE CHAIRPERSON MAY CALL
20 A SPECIAL MEETING AT ANY TIME. THE BOARD SHALL PROVIDE A METHOD OF GIVING
21 NOTICE OF SPECIAL MEETINGS.

22 F. MEMBERS OF THE BOARD ARE NOT ELIGIBLE TO RECEIVE COMPENSATION, BUT
23 APPOINTED MEMBERS ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO
24 TITLE 38, CHAPTER 4, ARTICLE 2 FROM THE ARIZONA INTERNATIONAL DEVELOPMENT
25 AUTHORITY FUND.

26 G. THE BOARD IS A PUBLIC BODY FOR THE PURPOSES OF TITLE 38, CHAPTER 3,
27 ARTICLE 3.1 AND A PUBLIC AGENCY FOR THE PURPOSES OF TITLE 38, CHAPTER 3,
28 ARTICLE 8 BUT IS EXEMPT FROM TITLE 41, CHAPTER 23.

29 H. THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE GENERAL
30 ADMINISTRATIVE SUPPORT, EQUIPMENT AND OFFICE AND MEETING SPACE TO THE
31 AUTHORITY. THE DEPARTMENT MAY HIRE STAFF TO PROVIDE ADMINISTRATIVE AND
32 TECHNICAL ASSISTANCE ON BEHALF OF THE AUTHORITY. MONIES IN THE ARIZONA
33 INTERNATIONAL DEVELOPMENT AUTHORITY FUND MAY BE USED TO PAY FOR STAFF
34 SERVICES, EQUIPMENT, OPERATING EXPENSES AND OTHER COSTS OR EXPENSES OF THE
35 AUTHORITY.

36 41-4504. Powers and duties of the authority

37 A. THE AUTHORITY MAY:

38 1. ADOPT AND AMEND BYLAWS AND ADOPT AN OFFICIAL SEAL.

39 2. MAINTAIN AN OFFICE.

40 3. SUE AND BE SUED.

41 4. EMPLOY AN EXECUTIVE DIRECTOR AT THE COMPENSATION AND ON THE TERMS
42 AND CONDITIONS DETERMINED BY THE BOARD AND EMPLOY OR CONTRACT FOR
43 ADMINISTRATIVE AND CLERICAL STAFF, PROFESSIONAL AND ADMINISTRATIVE EXPERTS
44 AND OTHER STAFF AS NECESSARY TO ENABLE THE AUTHORITY TO CARRY OUT ITS
45 PURPOSES.

1 5. ENGAGE IN ANY LAWFUL ACTIVITIES TO FACILITATE THE DEVELOPMENT OF
2 INTERNATIONAL TRADE OR COMMERCE BETWEEN THIS STATE AND OTHER COUNTRIES,
3 INCLUDING ANY OF THE FOLLOWING:

4 (a) SOLICITING AND ACCEPTING GRANTS OF MONIES, MATERIALS OR PROPERTY
5 OF ANY KIND FROM ANY ENTITY ON TERMS AND CONDITIONS THAT ARE ACCEPTABLE TO
6 THE AUTHORITY.

7 (b) MAKING AND ENTERING INTO CONTRACTS AND AGREEMENTS, INCLUDING
8 INTERGOVERNMENTAL AGREEMENTS PURSUANT TO TITLE 11, CHAPTER 7, ARTICLE 3, AND
9 EXECUTING ALL INSTRUMENTS, PERFORMING ALL ACTS AND DOING ALL THINGS NECESSARY
10 TO CARRY OUT THE POWERS GRANTED IN THIS CHAPTER, INCLUDING ENTERING INTO
11 PARTNERSHIP OR JOINT VENTURE AGREEMENTS WITH ANY ENTITY.

12 (c) ADVISING AND CONSULTING WITH THE LEGISLATURE AND FEDERAL AND STATE
13 AGENCIES REGARDING METHODS, PROPOSALS, PROGRAMS AND INITIATIVES RELATING TO
14 INTERNATIONAL TRADE OR COMMERCE.

15 (d) ACQUIRING, SELLING, LEASING AS LESSOR OR LESSEE OR OTHERWISE
16 DISPOSING OF ANY PROJECTS PERMITTED BY THIS CHAPTER ON TERMS AND CONDITIONS
17 THAT THE AUTHORITY DEEMS ADVISABLE AND THAT ARE NOT IN CONFLICT WITH THIS
18 CHAPTER.

19 (e) ISSUING REVENUE BONDS FOR THE PURPOSE OF DEFRAYING THE COST OF
20 ACQUIRING OR OPERATING ANY PROJECT OR TO REFUND, AT OR BEFORE MATURITY, ANY
21 OUTSTANDING BONDS OR OTHER INDEBTEDNESS.

22 (f) ISSUING GRANTS OR LOANS.

23 (g) COOPERATING WITH OTHER PUBLIC AND PRIVATE ECONOMIC DEVELOPMENT
24 ORGANIZATIONS INVOLVED IN ENHANCING INTERNATIONAL TRADE OR COMMERCE AND
25 ECONOMIC DEVELOPMENT.

26 (h) CONSULTING WITH COUNTIES, CITIES, TOWNS AND OTHER AGENCIES AND
27 POLITICAL SUBDIVISIONS OF THIS STATE AND BORDER REGIONAL PORT AUTHORITIES
28 RELATING TO PLANS AND PROJECTS AUTHORIZED BY THIS CHAPTER.

29 (i) ESTABLISHING IN EACH OF THE BORDER COUNTIES AN ADVISORY COUNCIL,
30 CONSISTING OF MEMBERS AND WITH POWERS AND DUTIES AS DETERMINED BY THE BOARD,
31 TO ADVISE AND COUNSEL THE AUTHORITY IN CARRYING OUT ITS DUTIES. IN THOSE
32 COUNTIES WHERE A BORDER REGIONAL PORT AUTHORITY EXISTS, THE AUTHORITY SHALL
33 DESIGNATE THAT BORDER REGIONAL PORT AUTHORITY AS THE ADVISORY COUNCIL FOR
34 THAT COUNTY. THE AUTHORITY MAY DESIGNATE ONLY ONE BORDER REGIONAL PORT
35 AUTHORITY IN EACH COUNTY AS AN ADVISORY COUNCIL.

36 (j) DELEGATING THE POWERS AND DUTIES PRESCRIBED IN THIS SECTION TO A
37 BORDER REGIONAL PORT AUTHORITY. A BORDER REGIONAL PORT AUTHORITY THAT IS
38 DESIGNATED PURSUANT TO THIS SUBDIVISION MAY TAKE ACTIONS USING THOSE
39 DELEGATED POWERS ONLY ON THE APPROVAL OF AND WITH OVERSIGHT BY THE BOARD.

40 B. ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE AUTHORITY SHALL MAKE A
41 VERIFIED STATEMENT OF THE FINANCIAL CONDITION OF THE AUTHORITY AS OF AND FOR
42 THE YEAR ENDING ON THE PRECEDING JUNE 30, SHOWING PARTICULARLY THE RECEIPTS
43 AND DISBURSEMENTS OF THE AUTHORITY DURING THE FISCAL YEAR, THE SOURCE OF THE
44 RECEIPTS AND THE PURPOSE OF THE DISBURSEMENTS. WITHIN ONE HUNDRED TWENTY
45 DAYS AFTER THE END OF EACH FISCAL YEAR, THE AUTHORITY SHALL CAUSE AN AUDIT TO

1 BE MADE OF THE FUNDS OF THE AUTHORITY BY A CERTIFIED PUBLIC ACCOUNTANT AND
2 SHALL FILE A COPY OF THE AUDIT WITH THE AUDITOR GENERAL. THE AUDITOR GENERAL
3 MAY MAKE ANY FURTHER AUDITS AND EXAMINATIONS AS THE AUDITOR GENERAL DEEMS
4 NECESSARY AND MAY TAKE APPROPRIATE ACTION RELATING TO THE AUDIT PURSUANT TO
5 CHAPTER 7, ARTICLE 10.1 OF THIS TITLE. IF THE AUDITOR GENERAL TAKES NO
6 OFFICIAL ACTION WITHIN NINETY DAYS AFTER THE AUDIT IS FILED, THE AUDIT IS
7 DEEMED SUFFICIENT. THE BOARD SHALL PAY ANY FEES AND COSTS OF THE CERTIFIED
8 PUBLIC ACCOUNTANT AND THE AUDITOR GENERAL UNDER THIS SECTION FROM THE ARIZONA
9 INTERNATIONAL DEVELOPMENT AUTHORITY FUND.

10 C. THE AUTHORITY SHALL ESTABLISH AN APPLICATION PROCESS AND RELATED
11 PROCEDURES FOR USE BY THE AUTHORITY IN EVALUATING ANY PROPOSED PROJECT. ANY
12 PROPRIETARY INFORMATION SUBMITTED TO THE AUTHORITY BY ANY PRIVATE ENTITY IN
13 CONNECTION WITH ANY APPLICATION IS NOT A PUBLIC RECORD UNDER TITLE 39,
14 CHAPTER 1, ARTICLE 2, SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL
15 NOT BE RELEASED WITHOUT THE EXPRESS CONSENT OF THE ENTITY SUBMITTING THE
16 INFORMATION.

17 D. IN DETERMINING WHETHER TO ACQUIRE OR APPROVE ANY PROJECT, THE
18 AUTHORITY SHALL LIMIT CONSIDERATION TO PROJECTS THAT WILL BE PLACED SOLELY
19 WITHIN THE ARIZONA-MEXICO BORDER AREA.

20 E. BEFORE PROCEEDING WITH ANY PROJECT, THE BOARD SHALL ADOPT A
21 RESOLUTION APPROVING THE PROJECT, SETTING FORTH THE SCOPE OF THE PROJECT AND
22 STATING, AMONG OTHER THINGS, THAT THE AUTHORITY HAS DETERMINED THAT THE
23 PROJECT WILL BE IN THE BEST INTERESTS OF THIS STATE.

24 F. THE BOARD SHALL NOT APPROVE A PROJECT UNLESS THE BOARD HAS
25 DETERMINED THAT THE PROJECT COMPLIES WITH ZONING AND OTHER APPLICABLE
26 DEVELOPMENT STANDARDS OF THE COUNTY, CITY OR TOWN WITH ZONING JURISDICTION
27 OVER THE PROPERTY ON WHICH IT IS TO BE LOCATED.

28 41-4505. Fees and charges; Arizona international development
29 authority fund

30 A. THE ARIZONA INTERNATIONAL DEVELOPMENT AUTHORITY FUND IS ESTABLISHED
31 CONSISTING OF:

32 1. MONIES RECEIVED FROM TOLLS, FEES, RENTS AND OTHER CHARGES IMPOSED
33 BY THE AUTHORITY.

34 2. REVENUES, RECEIPTS AND OTHER MONIES RECEIVED BY THE AUTHORITY FROM
35 PUBLIC OR PRIVATE ENTITIES.

36 3. MONIES RECEIVED FROM THE UNITED STATES GOVERNMENT TO CARRY OUT THIS
37 CHAPTER.

38 4. INTEREST AND OTHER INCOME RECEIVED FROM INVESTING MONIES IN THE
39 FUND.

40 5. GIFTS, GRANTS AND DONATIONS RECEIVED FROM ANY PUBLIC OR PRIVATE
41 SOURCE TO CARRY OUT THIS CHAPTER.

42 6. MONIES APPROPRIATED BY THE LEGISLATURE.

43 7. ANY OTHER MONIES RECEIVED BY THE AUTHORITY.

44 B. THE AUTHORITY MAY FIX, ALTER, CHARGE AND COLLECT TOLLS, FEES AND
45 RENTS AND MAY IMPOSE ANY OTHER CHARGES FOR THE USE OF ANY AUTHORITY FACILITY

1 OR FOR SERVICES RENDERED BY THE AUTHORITY ON TERMS AND CONDITIONS THAT THE
2 AUTHORITY PRESCRIBES. ALL TOLLS, FEES, RENTS AND OTHER CHARGES IMPOSED BY
3 THE AUTHORITY AND ALL REVENUES, RECEIPTS AND OTHER MONIES RECEIVED BY THE
4 AUTHORITY EXCEPT AS EXPRESSLY OTHERWISE PROVIDED IN THIS CHAPTER OR IN ANY
5 RESOLUTION ADOPTED BY THE BOARD IN CONNECTION WITH THE SALE OF ANY ISSUE OF
6 BONDS SHALL BE DEPOSITED IN THE FUND AND MAY BE USED BY THE AUTHORITY FOR ANY
7 LAWFUL PURPOSES OF THE AUTHORITY.

8 C. THE BOARD SHALL ADMINISTER THE FUND PURSUANT TO THE REQUIREMENTS OF
9 THIS CHAPTER. THE BOARD MAY ESTABLISH ACCOUNTS AND SUBACCOUNTS AS NECESSARY
10 TO PROPERLY ACCOUNT FOR AND USE MONIES RECEIVED BY THE AUTHORITY.

11 D. MONIES IN THE ARIZONA INTERNATIONAL DEVELOPMENT AUTHORITY FUND MAY
12 BE USED FOR:

13 1. PAYING COSTS TO ADMINISTER THE FUND AND TO CARRY OUT THE
14 REQUIREMENTS OF THIS CHAPTER.

15 2. PAYING THE COMPENSATION AND EMPLOYMENT RELATED EXPENSES ASSOCIATED
16 WITH THE EMPLOYMENT OF ADMINISTRATIVE STAFF AND PROFESSIONAL EXPERTS.

17 3. PROVIDING GRANTS OR LOANS FOR INTERNATIONAL TRANSPORTATION AND
18 INFRASTRUCTURE PROJECTS.

19 41-4506. Cost of operation and administration of authority:
20 taxation

21 A. THIS STATE IS NOT RESPONSIBLE FOR ANY COSTS INCURRED BY THE
22 AUTHORITY, INCLUDING COMPENSATION FOR BOARD MEMBERS OR EMPLOYEES, OTHER
23 OPERATIONAL OR ADMINISTRATIVE COSTS, ANY COSTS OF ACQUIRING, OPERATING OR
24 MAINTAINING ANY PROJECT OR COSTS INCURRED IN THE ISSUANCE OR PAYMENT OF
25 BONDS.

26 B. ALL COSTS OF THE AUTHORITY SHALL BE PAID FROM BOND PROCEEDS OR FROM
27 REVENUES, RECEIPTS OR OTHER MONIES OF THE AUTHORITY.

28 C. THE AUTHORITY, ITS INCOME AND PROPERTY, ALL BONDS ISSUED BY IT AND
29 THE INTEREST ON THE BONDS ARE EXEMPT FROM ALL TAXATION BY THIS STATE OR ANY
30 POLITICAL SUBDIVISION OF THIS STATE.

31 41-4507. Issuance of bonds

32 A. THE BOARD, FOR AND ON BEHALF OF THE AUTHORITY, MAY ISSUE NEGOTIABLE
33 BONDS BY RESOLUTION FOR THE PURPOSE OF ACQUIRING PROJECTS TO FACILITATE
34 INTERNATIONAL TRADE OR COMMERCE.

35 B. BONDS MAY BE ISSUED IN ONE OR MORE SERIES, MAY BE EVIDENCED BY ONE
36 OR MORE INSTRUMENTS OR, IF COMMERCIAL PAPER, BY A SUCCESSION OF INSTRUMENTS
37 EACH BEARING INTEREST PAYABLE CURRENTLY OR ONLY AT MATURITY, BEAR SUCH DATE
38 OR DATES, BE IN SUCH DENOMINATION OR DENOMINATIONS, MATURE AT SUCH TIME OR
39 TIMES NOT EXCEEDING FORTY YEARS FROM THEIR RESPECTIVE DATES, MATURE IN SUCH
40 AMOUNT OR AMOUNTS, BEAR INTEREST AT SUCH RATE OR RATES, BE PAYABLE AT SUCH
41 TIME OR TIMES, BE IN COUPON OR REGISTERED FORM, CARRY SUCH REGISTRATION
42 PRIVILEGES, BE EXECUTED IN SUCH MANNER, BE PAYABLE IN SUCH MEDIUM OF PAYMENT,
43 AT SUCH PLACE OR PLACES, BE REFUNDABLE EITHER AT OR IN ADVANCE OF MATURITY
44 AND BE SUBJECT TO SUCH TERMS OF REDEMPTION, WITH OR WITHOUT PREMIUM, AS THE
45 RESOLUTION OR OTHER RESOLUTIONS MAY PROVIDE. THE BONDS MAY BE SOLD AT EITHER

1 PUBLIC OR PRIVATE SALE AT, ABOVE OR BELOW THE PRINCIPAL AMOUNT OF THE BONDS
2 IN THE MANNER AND ON THE TERMS PROVIDED IN THE RESOLUTION ADOPTED BY THE
3 BOARD.

4 C. BONDS ISSUED UNDER THIS CHAPTER ARE SUBJECT TO THE FOLLOWING:

5 1. THE BONDS MAY BEAR INTEREST AT A FIXED OR VARIABLE RATE OR ANY
6 COMBINATION OF FIXED AND VARIABLE RATES, NONE OF WHICH EXCEED ANY MAXIMUM
7 RATE THAT IS APPROVED BY THE AUTHORITY. A VARIABLE RATE SHALL BE BASED ON
8 ANY OBJECTIVE MEASURE OF THE CURRENT VALUE OF MONEY BORROWED SUCH AS THE
9 ANNOUNCED PRIME RATE OF A BANK, THE RATES BORNE BY OBLIGATIONS OF THE UNITED
10 STATES OR AN INDEX OR OTHER FORMULA OR RATE SETTING MECHANISM PROVIDED FOR BY
11 THE AUTHORITY. THE AUTHORITY MAY EMPLOY A RECOGNIZED AGENT IN MUNICIPAL
12 BONDS TO MARKET AND REMARKET THE BONDS OR COMMERCIAL PAPER ISSUED AND TO
13 ESTABLISH AN INTEREST RATE PURSUANT TO THE APPROVED INDEX OR FORMULA.

14 2. THE AUTHORITY MAY GRANT TO THE OWNER OF ANY BOND A RIGHT TO TENDER,
15 OR MAY REQUIRE THE TENDER OF, THE BOND FOR PAYMENT OR PURCHASE AT ONE OR MORE
16 TIMES BEFORE MATURITY AND, IN SUCH EVENT, MAY ENTER INTO APPROPRIATE
17 AGREEMENTS WITH ANY BANK, FINANCIAL INSTITUTION, INSURANCE COMPANY OR
18 INDEMNITY COMPANY FOR PURCHASE OF THE BONDS TENDERED. THE AGREEMENT MAY
19 PROVIDE THAT WHILE THE BONDS ARE HELD BY THE BANK, FINANCIAL INSTITUTION,
20 INSURANCE COMPANY OR INDEMNITY COMPANY THE BONDS MAY BEAR INTEREST AT A RATE
21 HIGHER THAN WHEN THE BONDS ARE HELD BY OTHER OWNERS BUT NOT IN EXCESS OF ANY
22 MAXIMUM RATE APPROVED BY THE AUTHORITY.

23 3. IF BONDS ARE TENDERED BEFORE MATURITY UNDER AN AGREEMENT TO PAY FOR
24 OR PURCHASE BONDS WHEN TENDERED, THE AUTHORITY MAY PROVIDE FOR THE PURCHASE
25 AND RESALE OF THE BONDS PURSUANT TO THE TENDERS WITHOUT EXTINGUISHING THE
26 INDEBTEDNESS REPRESENTED BY THEM OR INCURRING NEW INDEBTEDNESS ON THE RESALE,
27 WHETHER OR NOT THE BONDS ARE REPRESENTED BY THE SAME INSTRUMENTS WHEN
28 PURCHASED AS WHEN RESOLD.

29 D. THE AUTHORITY MAY CONTRACT WITH A BANK, FINANCIAL INSTITUTION,
30 INSURANCE COMPANY OR INDEMNITY COMPANY TO PROVIDE ADDITIONAL SECURITY FOR THE
31 BONDS IN THE FORM OF A LINE OF CREDIT, LETTER OF CREDIT OR INSURANCE POLICY
32 OR ANY OTHER SECURITY, MAY PAY THE COSTS OF SUCH ADDITIONAL SECURITY FROM THE
33 PROCEEDS OF THE BOND ISSUE OR FROM OTHER AVAILABLE SOURCES AND MAY ENTER INTO
34 REIMBURSEMENT OBLIGATIONS SUBJECT TO THE FOLLOWING:

35 1. ANY REIMBURSEMENT OBLIGATION ENTERED INTO WITH THE BANK, FINANCIAL
36 INSTITUTION, INSURANCE COMPANY OR INDEMNITY COMPANY SHALL NOT PROVIDE FOR THE
37 PAYMENT OF INTEREST IN EXCESS OF ANY MAXIMUM RATE AUTHORIZED BY THE
38 AUTHORITY. THE REIMBURSEMENT OBLIGATION DOES NOT CONSTITUTE SEPARATE
39 INDEBTEDNESS OF THE AUTHORITY BUT IS PAYABLE FROM THE SAME SOURCE AS THE
40 BONDS, OR FROM OTHER AVAILABLE REVENUES, AS DETERMINED BY THE AUTHORITY.

41 2. ADMINISTRATIVE COSTS RELATED TO THE REIMBURSEMENT OBLIGATION MAY BE
42 DEDUCTED FROM BOND PROCEEDS OR MAY BE TREATED AS INTEREST AND PAID FROM THE
43 REVENUES, RECEIPTS OR OTHER MONIES OF THE AUTHORITY.

44 E. IF THE BONDS ARE TO BE ISSUED IN THE FORM OF COMMERCIAL PAPER, THE
45 AUTHORITY SHALL FIRST PROVIDE FOR THE ESTABLISHMENT OF THE SCHEDULE FOR THE

1 MATURITIES OF THE BONDS WITHIN ANY MAXIMUM PERIOD PERMITTED BY THE BOND
2 RESOLUTION. INDIVIDUAL INSTRUMENTS REPRESENTING THE BOND SHALL MATURE OVER
3 SHORTER PERIODS AND MAY BE RETIRED WITH THE PROCEEDS OF DEFINITIVE BONDS, BUT
4 THEY SHALL BE FINALLY PAID ACCORDING TO THE SCHEDULE OF BOND MATURITIES OR
5 EARLIER. BONDS ISSUED IN THE FORM OF COMMERCIAL PAPER MAY BE SOLD THROUGH AN
6 AGENT IN THE FORM OF INSTRUMENTS THAT MATURE AT INTERVALS THE AGENT
7 DETERMINES TO BE MOST ADVANTAGEOUS TO THE AUTHORITY AFTER GIVING PUBLIC
8 NOTICE TO POTENTIAL INVESTORS AS DETERMINED BY THE AUTHORITY.

9 F. BONDS MAY BE ISSUED AS COMPOUND INTEREST BONDS BEARING INTEREST
10 PAYABLE ONLY AT MATURITY BUT COMPOUNDED PERIODICALLY UNTIL THAT DATE AT A
11 RATE NO HIGHER THAN ANY MAXIMUM RATE APPROVED BY THE AUTHORITY.

12 G. PRINCIPAL AND INTEREST ON THE BONDS ARE PAYABLE SOLELY FROM THE
13 REVENUES, RECEIPTS OR OTHER MONIES RECEIVED OR HELD BY THE AUTHORITY.

14 H. ANY RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS MAY PROVIDE FOR:
15 1. EXECUTION OF TRUST INDENTURES, TRUST AGREEMENTS OR ASSIGNMENTS TO A
16 TRUSTEE OF THE AGREEMENTS RELATING TO THE PROJECT OR PROJECTS TO BE ACQUIRED
17 BY THE SERIES OR ISSUE OF BONDS SETTING FORTH THE POWERS, DUTIES AND REMEDIES
18 AVAILABLE TO TRUSTEES, LIMITING LIABILITIES, DESCRIBING WHAT OCCURRENCES
19 CONSTITUTE DEFAULT AND PRESCRIBING TERMS AND CONDITIONS ON WHICH TRUSTEES OR
20 HOLDERS OF BONDS OF ANY SPECIFIED AMOUNT OR PERCENTAGE OF SUCH BONDS MAY
21 EXERCISE AND ENFORCE ANY RIGHTS, COVENANTS AND REMEDIES IN ORDER TO PROTECT
22 THE BONDHOLDER OR BONDHOLDERS AND FACILITATE THE PAYMENT OF THE PRINCIPAL AND
23 INTEREST ON THE BONDS.

24 2. CAPITALIZATION OF A BOND RESERVE FROM BOND PROCEEDS OR FROM THE
25 REVENUES, RECEIPTS OR OTHER MONIES OF THE AUTHORITY WHEN THE BOARD DEEMS
26 NECESSARY.

27 3. LIMITATIONS ON THE ISSUANCE OF FUTURE BONDS OR RESTRICTIONS OR
28 FORMULAS RELATIVE TO THE ISSUANCE OF FUTURE BONDS OF EQUAL OR SECONDARY LIEN,
29 OR FOR A LIEN ON OR PLEDGE OF THE REVENUES, RECEIPTS OR OTHER MONIES OF THE
30 AUTHORITY.

31 4. RESTRICTIONS AS TO LIENS, ENCUMBRANCES OR ALIENATION OF ANY
32 PROJECT.

33 5. COVENANTS AS TO ANY PROCEDURES BY WHICH THE TERMS OF ANY AGREEMENT
34 FOR THE BENEFIT OF HOLDERS OF SUCH BONDS MAY BE AMENDED OR ABROGATED, THE
35 AMOUNT OR PERCENTAGE OF BONDHOLDERS WHO MUST CONSENT AND THE MANNER IN WHICH
36 THE CONSENT MAY BE GIVEN.

37 6. VESTING IN A TRUSTEE OR HOLDER OF ANY SPECIFIED AMOUNT OR
38 PERCENTAGE OF BONDS THE RIGHT TO APPLY TO ANY COURT OF COMPETENT JURISDICTION
39 FOR, AND HAVE GRANTED, THE APPOINTMENT OF A RECEIVER TO ACT UNDER THE TERMS
40 OF ANY AGREEMENT.

41 I. BONDS ISSUED UNDER THIS CHAPTER ARE FULLY NEGOTIABLE WITHIN THE
42 MEANING AND FOR ALL PURPOSES OF THE UNIFORM COMMERCIAL CODE REGARDLESS OF
43 WHETHER THE BONDS CONSTITUTE NEGOTIABLE INSTRUMENTS UNDER THE UNIFORM
44 COMMERCIAL CODE.

1 J. BONDS ISSUED UNDER THIS CHAPTER:
2 1. ARE PAYABLE ONLY ACCORDING TO THEIR TERMS.
3 2. ARE OBLIGATIONS OF THE AUTHORITY AND ARE NOT GENERAL, SPECIAL OR
4 OTHER OBLIGATIONS OF THIS STATE.
5 3. DO NOT CONSTITUTE A LEGAL DEBT OF THIS STATE.
6 4. ARE NOT ENFORCEABLE AGAINST THIS STATE, AND PAYMENT OF THE BONDS IS
7 NOT ENFORCEABLE OUT OF ANY MONIES OTHER THAN THE INCOME AND REVENUE OR OTHER
8 SECURITY PLEDGED AND ASSIGNED BY THE AUTHORITY TO, OR IN TRUST FOR THE
9 BENEFIT OF, THE HOLDER OR HOLDERS OF THE BONDS.
10 5. ARE SECURITIES IN WHICH PUBLIC OFFICERS AND BODIES OF THIS STATE
11 AND OF MUNICIPALITIES AND POLITICAL SUBDIVISIONS OF THIS STATE, ALL
12 COMPANIES, ASSOCIATIONS AND OTHER PERSONS CARRYING ON AN INSURANCE BUSINESS,
13 ALL FINANCIAL INSTITUTIONS, INVESTMENT COMPANIES AND OTHER PERSONS CARRYING
14 ON A BANKING BUSINESS, ALL FIDUCIARIES AND ALL OTHER PERSONS WHO ARE
15 AUTHORIZED TO INVEST IN GOVERNMENT OBLIGATIONS MAY PROPERLY AND LEGALLY
16 INVEST.
17 6. ARE SECURITIES THAT MAY BE DEPOSITED WITH PUBLIC OFFICERS OR BODIES
18 OF THIS STATE AND MUNICIPALITIES AND POLITICAL SUBDIVISIONS OF THIS STATE FOR
19 PURPOSES THAT REQUIRE THE DEPOSIT OF GOVERNMENT BONDS OR OBLIGATIONS.
20 41-4508. Effect of changing circumstances on bonds: agreement
21 of this state
22 A. BONDS ISSUED UNDER THIS CHAPTER ARE VALID AND BINDING OBLIGATIONS
23 OF THE AUTHORITY NOTWITHSTANDING THAT BEFORE THE DELIVERY OF THE BONDS ANY OF
24 THE PERSONS WHOSE SIGNATURES APPEAR ON THE BONDS CEASE TO BE OFFICERS OF THE
25 AUTHORITY. THE VALIDITY OF THE BONDS IS NOT DEPENDENT ON OR AFFECTED BY THE
26 VALIDITY OR REGULARITY OF ANY PROCEEDINGS TO ACQUIRE ANY PROJECT FINANCED BY
27 THE BONDS OR TAKEN IN CONNECTION WITH THE BONDS. AN ACTION MAY NOT BE
28 BROUGHT QUESTIONING THE LEGALITY OF ANY AGREEMENT, PROCEEDINGS OR ISSUANCE OF
29 BONDS AFTER TWO MONTHS FROM THE DATE THE BONDS ARE AUTHORIZED TO BE ISSUED BY
30 THE BOARD.
31 B. ANY AMENDMENT OF ANY PROVISION IN THIS CHAPTER DOES NOT DIMINISH OR
32 IMPAIR THE VALIDITY OF BONDS ISSUED UNDER THIS CHAPTER OR THE REMEDIES AND
33 RIGHTS OF BONDHOLDERS.
34 C. THIS STATE PLEDGES TO AND AGREES WITH THE HOLDERS OF THE BONDS
35 AUTHORIZED BY THIS CHAPTER THAT THIS STATE WILL NOT LIMIT, ALTER OR IMPAIR
36 THE RIGHTS VESTED IN THE AUTHORITY TO COLLECT THE MONIES NECESSARY TO PRODUCE
37 SUFFICIENT REVENUE TO FULFILL THE TERMS OF ANY AGREEMENTS MADE WITH OR FOR
38 THE BENEFIT OF THE HOLDERS OF THE BONDS, OR IN ANY WAY IMPAIR THE RIGHTS AND
39 REMEDIES OF THE BONDHOLDERS, UNTIL ALL BONDS ISSUED UNDER THIS CHAPTER,
40 TOGETHER WITH INTEREST ON THE BONDS, INTEREST ON ANY UNPAID INSTALLMENTS OF
41 PRINCIPAL OR INTEREST AND ALL COSTS AND EXPENSES IN CONNECTION WITH ANY
42 ACTION OR PROCEEDINGS BY OR ON BEHALF OF THE BONDHOLDERS, ARE FULLY PAID AND
43 DISCHARGED. THE AUTHORITY MAY INCLUDE THIS PLEDGE AND UNDERTAKING IN ITS
44 RESOLUTIONS AND INDENTURES AUTHORIZING AND SECURING ITS BONDS.

1 41-4509. Validity of bonds

2 A. THIS CHAPTER CONSTITUTES FULL AUTHORITY FOR AUTHORIZING AND ISSUING
3 BONDS WITHOUT REFERENCE TO ANY OTHER LAW OF THIS STATE. NO OTHER LAW WITH
4 REGARD TO AUTHORIZING OR ISSUING OBLIGATIONS OR THAT IN ANY WAY IMPEDES OR
5 RESTRICTS PERFORMING THE ACTS AUTHORIZED BY THIS CHAPTER MAY BE CONSTRUED TO
6 APPLY TO ANY PROCEEDINGS TAKEN OR ACTS DONE PURSUANT TO THIS CHAPTER.

7 B. THE VALIDITY OF BONDS ISSUED UNDER THIS ARTICLE IS NOT DEPENDENT ON
8 OR AFFECTED BY THE LEGALITY OF ANY PROCEEDING RELATING TO THE ACQUISITION,
9 CONSTRUCTION, IMPROVEMENT OR EXTENSION OF A PROJECT FOR WHICH THE BONDS ARE
10 ISSUED.

11 C. THE BONDS SHALL RECITE THAT THEY ARE REGULARLY ISSUED PURSUANT TO
12 THIS CHAPTER. THIS RECITAL CONSTITUTES PRIMA FACIE EVIDENCE OF THE LEGALITY
13 AND VALIDITY OF THE BONDS. FROM AND AFTER THE SALE AND DELIVERY OF THE
14 BONDS, THEY ARE INCONTESTABLE BY THIS STATE OR THE AUTHORITY.

15 41-4510. Monies from bond sales; use; acquisition of projects

16 A. THE BOARD SHALL DEPOSIT PROCEEDS DERIVED FROM THE SALE OF BONDS
17 UNDER THIS CHAPTER IN SEPARATE BANK ACCOUNTS IN BANKS OR TRUST COMPANIES THAT
18 ARE MEMBERS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION AND AS MAY BE
19 DESIGNATED BY THE BOARD. IF REQUIRED BY THE BOARD, THESE DEPOSITS SHALL BE
20 SECURED BY OBLIGATIONS ISSUED OR GUARANTEED BY THE UNITED STATES OF A MARKET
21 VALUE EQUAL AT ALL TIMES TO THE AMOUNT OF THE DEPOSIT. ALL BANKS AND TRUST
22 COMPANIES ARE AUTHORIZED TO GIVE THIS SECURITY. IN THE ALTERNATIVE, PROCEEDS
23 FROM THE SALE OF BONDS MAY BE INVESTED AND REINVESTED BY THE BOARD IN
24 OBLIGATIONS ISSUED OR GUARANTEED BY THE UNITED STATES. THESE MONIES SHALL BE
25 CONSIDERED AS HELD FOR AND ON BEHALF OF THE AUTHORITY.

26 B. EXCEPT FOR MONIES ALLOCATED FOR PAYMENTS OF COSTS OR FOR
27 CAPITALIZED RESERVE, ALL MONIES OF THE AUTHORITY DERIVED FROM THE SALE OF
28 BONDS SHALL BE USED TO ACQUIRE OR OPERATE THE PROJECTS OF THE AUTHORITY AND
29 SHALL BE DISBURSED AS DIRECTED BY THE BOARD AND PURSUANT TO THE TERMS OF ANY
30 AGREEMENTS FOR THE BENEFIT OF THE BONDHOLDERS.

31 C. THIS SECTION DOES NOT LIMIT THE POWER OF THE BOARD TO AGREE IN
32 CONNECTION WITH THE ISSUANCE OF THE BONDS AS TO THE CUSTODY AND DISPOSITION
33 OF MONIES RECEIVED FROM THE SALE OF THE BONDS OR THE INCOME AND REVENUE
34 PLEDGED AND ASSIGNED TO OR IN TRUST FOR THE BENEFIT OF THE BONDHOLDERS.

35 41-4511. Refunding bonds; procedures; terms

36 A. THE AUTHORITY MAY ISSUE REFUNDING BONDS FOR THE PURPOSE OF
37 REFINANCING, PAYING AND DISCHARGING ALL OR ANY PART OF OUTSTANDING REVENUE
38 BONDS OF THE AUTHORITY OF ANY ONE OR MORE OR ALL OUTSTANDING ISSUES OR
39 SERIES.

40 B. ANY REFUNDING BONDS ISSUED BY THE AUTHORITY SHALL BE ISSUED ON THE
41 SAME TERMS AND CONDITIONS AND ARE SUBJECT TO THE SAME LIMITATION ESTABLISHED
42 IN THIS CHAPTER FOR THE ISSUANCE OF THE AUTHORITY'S BONDS.

43 C. ANY BONDS THAT ARE REFUNDED UNDER THIS SECTION SHALL BE PAID AT
44 MATURITY OR ON ANY PERMITTED PRIOR REDEMPTION DATE IN THE AMOUNTS, AT THE
45 TIME AND PLACES AND, IF CALLED BEFORE MATURITY, PURSUANT TO ANY APPLICABLE

1 NOTICE PROVISIONS, AS PROVIDED IN THE PROCEEDINGS AUTHORIZING THE ISSUANCE OF
2 THE REFUNDED BONDS OR OTHERWISE RELATING TO THE BONDS, EXCEPT FOR ANY BOND
3 THAT IS VOLUNTARILY SURRENDERED FOR EXCHANGE OR PAYMENT BY THE HOLDER OR
4 OWNER.

5 D. PROVISION SHALL BE MADE FOR PAYING THE BONDS REFUNDED AT THE TIME
6 PROVIDED IN THE RESOLUTION OF THE AUTHORITY. THE PRINCIPAL AMOUNT OF THE
7 REFUNDING BONDS MAY EXCEED THE PRINCIPAL AMOUNT OF THE REFUNDED BONDS AND MAY
8 BE LESS THAN OR THE SAME AS THE PRINCIPAL AMOUNT OF THE BONDS BEING REFUNDED
9 AS LONG AS PROVISION IS MADE FOR THE PAYMENT OF THE REFUNDED BONDS.

10 E. THE PROCEEDS OF ANY REFUNDING BONDS, EXCLUDING ANY ACCRUED INTEREST
11 OR PREMIUM DERIVED FROM THE SALE OF THE REFUNDING BONDS, SHALL EITHER BE
12 IMMEDIATELY APPLIED TO THE RETIREMENT OF THE BONDS BEING REFUNDED OR BE
13 PLACED IN ESCROW IN A COMMERCIAL BANK OR TRUST COMPANY THAT POSSESSES AND IS
14 EXERCISING TRUST POWERS AND THAT IS A MEMBER OF THE FEDERAL DEPOSIT INSURANCE
15 CORPORATION TO BE APPLIED TO THE PAYMENT OF THE PRINCIPAL OF, INTEREST ON AND
16 ANY REDEMPTION PREMIUM DUE IN CONNECTION WITH THE REFUNDED BONDS. REFUNDING
17 BOND PROCEEDS EXCLUDING ANY ACCRUED INTEREST AND PREMIUM DERIVED FROM THE
18 SALE OF THE REFUNDING BONDS MAY BE APPLIED TO THE PAYMENT OF EXPENSES
19 INCIDENTAL TO THE REFUNDING AND THE ISSUANCE OF THE REFUNDING BONDS.

20 Sec. 61. Initial terms of members of the Arizona international
21 development authority

22 A. Notwithstanding section 41-4503, Arizona Revised Statutes, as added
23 by this act, the initial terms of members of the Arizona international
24 development authority are:

25 1. Four terms ending on the third Monday in January, 2015.

26 2. Three terms ending on the third Monday in January, 2013. The
27 governor may reappoint the appointees to these terms for one additional
28 five-year term.

29 B. The governor shall make all subsequent appointments as prescribed
30 by statute.

31 Sec. 62. Construction-manager-at-risk contracts; requests for
32 qualification; price competition; delayed repeal

33 A. Notwithstanding any other law, if the American Recovery and
34 Reinvestment Act of 2009 (P.L. 111-5) is a source of monies for a
35 construction project and price competition is required by the funding
36 federal agency or by applicable federal law, price competition may be
37 included as part of the selection criteria in a request for qualifications
38 selection process for a construction-manager-at-risk contract to be
39 negotiated as follows:

1 1. By the department of transportation under section 28-7366,
2 subsection E, Arizona Revised Statutes, if the request for qualifications is
3 issued by the department of transportation on or before December 31, 2014.

4 2. By an agent under section 34-602, Arizona Revised Statutes, if the
5 request for qualifications is issued by the agent on or before December 31,
6 2014.

7 3. By a purchasing agency under section 41-2579, Arizona Revised
8 Statutes, if the request for qualifications is issued on or before December
9 31, 2014.

10 B. This section is repealed from and after September 30, 2015.

11 Sec. 63. Purpose

12 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
13 the purpose of the Arizona international development authority is to
14 encourage trade, commerce and economic development between this state and
15 other countries.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.